

# An Act

SENATE BILL 17-294

BY SENATOR(S) Gardner, Cooke, Guzman, Holbert, Kagan, Martinez Humenik;  
also REPRESENTATIVE(S) Lee, Foote, Herod, Willett, Wist, McKean, Mitsch Bush, Duran.

CONCERNING THE NONSUBSTANTIVE REVISION OF STATUTES IN THE COLORADO REVISED STATUTES, AS AMENDED, AND, IN CONNECTION THEREWITH, AMENDING OR REPEALING OBSOLETE, IMPERFECT, AND INOPERATIVE LAW TO PRESERVE THE LEGISLATIVE INTENT, EFFECT, AND MEANING OF THE LAW.

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, **amend** 2-3-102 as follows:

**2-3-102. State auditor - qualifications and appointment - term of office.** The state auditor ~~shall~~ **MUST** be a certified public accountant licensed to practice in this state. ~~He~~ **THE STATE AUDITOR** shall be appointed without regard to political affiliation by a majority vote of the members elected to and serving in each house of the general assembly to serve for a term of five years and until ~~his~~ **A** successor is appointed and qualified with the first such term beginning on July 1, 1966. If a vacancy occurs in the

position of state auditor, the committee may designate a temporary state auditor who shall exercise and perform all of the powers and duties that are by law to be exercised and performed by the state auditor until a replacement is appointed by the general assembly.

**SECTION 2.** In Colorado Revised Statutes, 2-3-103, **amend** (1.5)(a), (2), (4), and (5) as follows:

**2-3-103. Duties of state auditor - definition.** (1.5) (a) In addition to any other duties granted by law, the state auditor may assess, confirm, and report on the security practices of all of the information technology systems maintained or administered by all departments, institutions, and agencies of state government, including educational institutions and the judicial and legislative branches. The STATE auditor may perform similar or related duties with respect to political subdivisions of the state where the STATE auditor has been granted authority to perform financial or performance audits with respect to such political subdivisions. In order to perform such duties, the state auditor may conduct penetration or similar testing of computer networks or information systems of the state or a political subdivision, as applicable, assess network or information system vulnerability, or conduct similar or related procedures to promote best practices with respect to the confidentiality, integrity, and availability of information systems technology as the STATE auditor deems necessary in his or her discretion. In conducting such testing, the state auditor may contract with auditors or information technology security specialists, or both, ~~that~~ WHO possess the necessary specialized knowledge and experience to perform the required work. The authority of the state auditor pursuant to the requirements of this subsection (1.5) ~~shall be~~ ARE coextensive with the STATE auditor's authority under this part 1.

(2) The state auditor shall prepare for the committee reports and recommendations on the postaudits conducted, and, under the direction of the committee, ~~he~~ shall prepare an annual report to contain, among other things, copies of or the substance of audit reports on the various departments, institutions, and agencies as well as a summary of recommendations made in regard thereto. All reports ~~shall~~ MUST be open to public inspection except for that portion of any report containing recommendations, comments, and any narrative statements which is released only upon the approval of a majority vote of the committee.

(4) All expenses incurred by the office of the state auditor, including salaries and expenses of employees, shall be paid upon vouchers signed by the chairman of the committee and drawn on funds appropriated for legislative expenses and allocated to the office of the state auditor; except that any payroll voucher or any other voucher which does not exceed one thousand dollars may be signed by the state auditor or by ~~his~~ THE STATE AUDITOR'S authorized designee.

(5) It is the duty of the state auditor to annually evaluate the investments of the public school fund and report to the committee any loss of principal of such fund ~~which~~ THAT, in ~~his~~ THE STATE AUDITOR'S judgment, exists.

**SECTION 3.** In Colorado Revised Statutes, 2-3-107, **amend** (3) as follows:

**2-3-107. Authority to subpoena witnesses - access to records.**

(3) In verifying any of the audits made, the state auditor ~~shall have~~ HAS the right to ascertain the amounts on deposit in any bank or other depository belonging to any department, institution, or agency required to be audited and ~~he shall have~~ HAS the right to audit said account on the books of any such bank or depository. No bank or other depository ~~shall be~~ IS liable for making available to the state auditor any of the information required under ~~the provisions of~~ this subsection (3).

**SECTION 4.** In Colorado Revised Statutes, **amend** 2-3-109 as follows:

**2-3-109. Emergency reports.** (1) If the state auditor finds in the course of an audit evidence of improper practices of financial administration or inadequacy of fiscal records, ~~he~~ THE STATE AUDITOR shall report the same immediately to the committee. With the approval of the committee, the state auditor shall also report the same to the governor and the head of any department, institution, or agency affected thereby.

(2) If the state auditor in the course of an audit finds evidence of apparently illegal transactions or misuse or embezzlement of public funds or property, ~~he~~ THE STATE AUDITOR shall immediately report such transactions to the committee; moreover, with the approval of the committee, ~~he~~ THE STATE AUDITOR may file a written copy of ~~such~~ THE

report with the governor but shall give notice thereof to the district attorney of the district wherein such transactions are reported to have taken place.

**SECTION 5.** In Colorado Revised Statutes, **amend** 8-12-112 as follows:

**8-12-112. Proof of high school diploma, passing score on general educational development examination, or completion of career and technical education program.** Any employer may require proof of a high school diploma, a passing score on the general educational development examination, or completion of a ~~vocational~~ CAREER AND TECHNICAL education program. The employer shall ~~be required to~~ maintain a record of ~~such~~ THE high school diploma, proof of a passing score on the general educational development examination, or completion of a ~~vocational~~ CAREER AND TECHNICAL education program.

**SECTION 6.** In Colorado Revised Statutes, **amend** 8-43-316 as follows:

**8-43-316. Appearance by officer for closely held entity.** An officer of a closely held ~~Colorado corporation~~ ENTITY as defined in section 13-1-127 (1)(a) ~~C.R.S.~~, may appear on behalf of any such ~~corporation~~ CLOSELY HELD ENTITY, which has obtained coverage as required by articles 40 to 47 of this ~~title~~ TITLE 8 in proceedings authorized under the "Workers' Compensation Act of Colorado", articles 40 to 47 of this ~~title~~ TITLE 8, where the amount at issue does not exceed ten thousand dollars, except in proceedings before the industrial claim appeals office under this part 3, appeals to the court of appeals under section 8-43-307, and summary reviews by the supreme court under section 8-43-313.

**SECTION 7.** In Colorado Revised Statutes, 8-45-121, **amend** (2) as follows:

**8-45-121. Visitation of fund by commissioner of insurance - annual audit - examination.** (2) ~~An annual financial audit and, in 2009, a performance audit of Pinnacle Assurance shall be made as soon as practicable by the state auditor, such audits to include, but not be limited to, executive compensation, premium rate structure, known loss reserves, incurred but not reported losses, and injured workers' claims experience.~~ THE STATE AUDITOR SHALL CONDUCT AN ANNUAL FINANCIAL AUDIT OF

PINNACOL ASSURANCE. In conducting such audits, the state auditor may employ a firm of auditors and actuaries, or both, with the necessary specialized knowledge and experience. The cost of ~~such~~ THE annual audit shall be paid from the operating funds of Pinnacol Assurance. The state auditor shall report his or her findings from such audits, along with any comments and recommendations, to the governor, the general assembly, the executive director of the department of labor and employment, and the commissioner of insurance. The state auditor ~~shall have~~ HAS continuing authority to conduct performance audits of Pinnacol Assurance as the state auditor deems appropriate. The cost of performance audits shall be paid from the operating funds of Pinnacol Assurance.

**SECTION 8.** In Colorado Revised Statutes, 8-47-101, **amend** (3)(a), (3)(c), and (5) as follows:

**8-47-101. Division of workers' compensation - creation - powers, duties, and functions - transfer of functions - change of statutory references.** (3) (a) The division of workers' compensation shall, on and after July 1, 1991, execute, administer, perform, and enforce the rights, powers, duties, functions, and obligations vested in the division of labor ~~standards and statistics~~ prior to July 1, 1991, concerning the duties and functions transferred to the division of workers' compensation. On July 1, 1991, all employees of the division of labor ~~standards and statistics~~ whose principal duties are concerned with the duties and functions transferred to the division of workers' compensation and whose employment in the division of workers' compensation is deemed necessary by the executive director of the department of labor and employment to carry out the purposes of this ~~article~~ ARTICLE 47 shall be transferred to the division of workers' compensation and shall become employees thereof. ~~Such~~ THE employees shall retain all rights to the state personnel system and retirement benefits under the laws of this state, and their services shall be deemed to have been continuous. All transfers and any abolishment of positions in the state personnel system shall be made and processed in accordance with state personnel system laws and rules. ~~and regulations.~~

(c) Whenever the division of labor ~~standards and statistics~~ is referred to or designated by any contract or other document in connection with the duties and functions transferred to the division of workers' compensation, such reference or designation ~~shall be~~ IS deemed to apply to the division of workers' compensation. All contracts entered into by the

division of labor ~~standards and statistics~~ prior to July 1, 1991, in connection with the duties and functions transferred to the division of workers' compensation, are hereby validated, with the division of workers' compensation succeeding to all the rights and obligations of such contracts. Any appropriations of funds from prior fiscal years open to satisfy obligations incurred under such contracts are hereby transferred and appropriated to the division of workers' compensation for the payment of such obligations.

(5) On and after July 1, 1991, when any provision of articles 40 to 47 of this title ~~TITLE 8~~ refers to the division of labor, ~~standards and statistics~~, said law shall be construed as referring to the division of workers' compensation.

**SECTION 9.** In Colorado Revised Statutes, 8-84-303, **amend** (7)(a) as follows:

**8-84-303. Employment first advisory partnership - memorandum of understanding - reporting - repeal.** (7) (a) The agency partners shall present the initial report of the strategic plan and recommendations developed pursuant to section 8-84-304 to the legislative committees of reference for the agency partners as part of each agency's annual presentation made pursuant to section ~~2-7-103, C.R.S.~~ 2-7-203 during the interim between November 1, 2017, and the start of the 2018 regular legislative session. Thereafter, each agency partner shall inform the legislative committee of reference of revisions to the strategic plan and the implementation of employment first policies as part of the agency's annual presentation made pursuant to section ~~2-7-103, C.R.S.~~ 2-7-203.

**SECTION 10.** In Colorado Revised Statutes, 10-22-109, **repeal** (1)(c) as follows:

**10-22-109. Funding for the operation of the exchange and reserves - special fees - rules.** (1) On and after January 1, 2014, among other funding sources derived through the operation of the exchange, funding for the exchange may be from the following sources:

(c) ~~Moneys from the unclaimed property trust fund transmitted pursuant to section 38-13-116.5 (2.9), C.R.S.~~

**SECTION 11.** In Colorado Revised Statutes, 11-35-101, **amend** (1) as follows:

**11-35-101. Alternatives to surety bonds permitted - requirements.** (1) The requirement of a surety bond as a condition to licensure or authority to conduct business or perform duties in this state provided in sections 6-16-104.6, ~~12-55-202 (2)(b)~~, 12-6-111, 12-6-112, 12-6-112.2, 12-6-512, 12-6-513, 12-14-124 (1), 12-59-115 (1), ~~12-60-509 (2.5)(b)~~, 12-61-907, 33-4-101 (1), 33-12-104 (1), 35-55-104 (1), 37-91-107 (2) and (3), 38-29-119 (2), 39-21-105, 39-27-104 (2)(a), (2)(b), (2)(c), (2)(d), (2)(e), (2.1)(a), (2.1)(b), (2.1)(c), (2.5)(a), and (2.5)(b), 39-28-105 (1), 42-6-115 (3), and 42-7-301 (6) ~~C.R.S.~~, may be satisfied by a savings account or deposit in or a certificate of deposit issued by a state or national bank doing business in this state or by a savings account or deposit in or a certificate of deposit issued by a state or federal savings and loan association doing business in this state. Such savings account, deposit, or certificate of deposit ~~shall~~ **MUST** be in the amount specified by statute, if any, and ~~shall~~ **MUST** be assigned to the appropriate state agency for the use of the people of the state of Colorado. The aggregate liability of the bank or savings and loan association ~~shall~~ **MUST** in no event exceed the amount of the deposit. For the purposes of the sections referred to in this section, "bond" includes the savings account, deposit, or certificate of deposit authorized by this section.

**SECTION 12.** In Colorado Revised Statutes, 12-35-128.5, **amend** (1)(b) as follows:

**12-35-128.5. Interim therapeutic restorations by dental hygienists - permitting process - repeal.** (1) Upon application, accompanied by a fee in an amount determined by the director, the board shall grant a permit to place interim therapeutic restorations to any dental hygienist applicant who:

(b) Has completed a course developed at the postsecondary educational level that complies with the ~~uniform standards developed, and rules adopted, pursuant to section 12-35-128.3~~ **RULES ADOPTED BY THE BOARD.** The course must be offered under the direct supervision of a member of the faculty of a Colorado dental or dental hygiene school accredited by the commission on dental accreditation or its successor agency. All faculty responsible for clinical evaluation of students must be

dentists with a faculty appointment at an accredited Colorado dental or dental hygiene school.

**SECTION 13.** In Colorado Revised Statutes, 12-35.5-111, **amend** (1)(q) introductory portion; and **repeal** (1)(q)(III) as follows:

**12-35.5-111. Grounds for discipline - definitions.** (1) The director is authorized to take disciplinary action pursuant to section 12-35.5-112 against any person who has:

(q) Exposed an intimate part of his or her body to the view of a client or any person present with the client, or performed an act of masturbation in the presence of a client. For the purposes of this paragraph ~~(q)~~ SUBSECTION (1)(q):

(III) ~~"Therapeutic relationship" means the period of time beginning with the initial massage therapy session and ending upon written termination of the relationship by either party.~~

**SECTION 14.** In Colorado Revised Statutes, 12-36-123.5, **repeal** (3.5)(f) as follows:

**12-36-123.5. Physicians', physician assistants', and anesthesiologist assistants' peer health assistance program.** (3.5) (f) ~~No later than June 30, 1994, the board shall transfer the balance in the fund, if any, to the administering entity chosen by the board pursuant to paragraphs (d) and (e) of this subsection (3.5).~~

**SECTION 15.** In Colorado Revised Statutes, 12-37.3-102, **amend** (7) as follows:

**12-37.3-102. Definitions.** As used in this article, unless the context otherwise requires:

(7) "Homeopathic preparations" means medicines prepared according to the most current version of the ~~homeopathic pharmacopoeia of the United States, revised services~~ HOMEOPATHIC PHARMACOPOEIA OF THE UNITED STATES/REVISION SERVICE.

**SECTION 16.** In Colorado Revised Statutes, 12-43-218, **amend**



(2)(d)(V) introductory portion and (2)(d)(V)(B) as follows:

**12-43-218. Disclosure of confidential communications - definitions - repeal.** (2) Subsection (1) of this section does not apply when:

(d) (V) As used in this ~~paragraph (d)~~ SUBSECTION (2)(d):

(B) "FERPA" means the federal "Family ~~Education~~ EDUCATIONAL Rights and Privacy Act of 1974", 20 U.S.C. sec. 1232g.

**SECTION 17.** In Colorado Revised Statutes, 12-61-105, **amend** (1) as follows:

**12-61-105. Commission - compensation - immunity - subject to termination.** (1) There shall be a commission of five members, appointed by the governor which shall administer parts 1 ~~3~~, and 4 of this ~~article~~ ARTICLE 61. This commission shall be known as the real estate commission, also referred to in this part 1 as the "commission", and shall consist of three real estate brokers who have had not less than five years' experience in the real estate business in Colorado and two representatives of the public at large. Members of the commission shall hold office for a period of three years. Upon the death, resignation, removal, or otherwise of any member of the commission, the governor shall appoint a member to fill out the unexpired term. The governor may remove any member for misconduct, neglect of duty, or incompetence.

**SECTION 18.** In Colorado Revised Statutes, **amend** 12-61-106 as follows:

**12-61-106. Division of real estate - director, clerks, and assistants.** (1) The executive director of the department of regulatory agencies is authorized by this section to employ, subject to the provisions of the state personnel system laws of the state, a director of the division of real estate, who in turn shall employ such attorneys, deputies, investigators, clerks, and assistants as are necessary to discharge the duties imposed by parts 1 ~~3~~, and 4 of this ~~article~~ ARTICLE 61. The division of real estate, which ~~shall be~~ IS a division in the department of regulatory agencies, and the director of the division shall exercise their powers and perform their duties and functions under the department of regulatory agencies as if they were

transferred to the department by a **type 2** transfer.

(2) It is the duty of the director, personally, or his designee to aid in the administration and enforcement of parts 1 ~~3~~, and 4 of this ~~article~~ ARTICLE 61 and in the prosecution of all persons charged with violating any of their provisions, to conduct audits of business accounts of licensees, to perform such duties of the commission as the commission prescribes, and to act in behalf of the commission on such occasions and in such circumstances as the commission directs.

**SECTION 19.** In Colorado Revised Statutes, 12-61-110, **amend** (4)(a) introductory portion as follows:

**12-61-110. License fees - partnership, limited liability company, and corporation licenses - rules.** (4) (a) The commission shall require that any person licensed under this part 1, whether on an active or inactive basis, renew ~~said~~ HIS OR HER license on an anniversary date every three years. Renewal shall be conditioned upon fulfillment of the continuing education requirements set forth in section 12-61-110.5. ~~and submission of fingerprints as required in section 12-61-110.8; except that any person licensed under this part 1 who maintains an inactive license and wants to renew to an active status shall only submit fingerprints as required in section 12-61-110.8 upon application to an active status and, except that, the real estate commission may acquire a name-based criminal history record check for an applicant who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable.~~ For persons renewing or reinstating an active license, written certification verifying completion for the previous three-year licensing period of the continuing education requirements set forth in ~~said~~ section 12-61-110.5 shall accompany and be submitted to the commission with the application for renewal or reinstatement. For persons who did not submit certification verifying compliance with section 12-61-110.5 at the time a license was renewed or reinstated on an inactive status, written certification verifying completion for the previous three-year licensing period of the continuing education requirements set forth in ~~said~~ section 12-61-110.5 shall accompany and be submitted with any future application to reactivate the license. The commission may by rule establish procedures to facilitate such a renewal. Until such procedures are established, every license issued ~~under the provisions of~~ PURSUANT TO this part 1 shall expire at 12 midnight on December 31 of the year in which issued; except that

each renewal of ~~such~~ THE license shall be for three years and shall expire at 12 midnight on December 31 of the third year. In the absence of any reason or condition that might warrant the refusal of the granting of a license or the revocation thereof, the commission shall issue a new license upon receipt by the commission of the written request of the applicant and the fees therefor, as required by this section. Applications for renewal will be accepted thirty days prior to January 1. A person who fails to renew a license before January 1 of the year succeeding the year of the expiration of ~~such~~ THE license may reinstate the license as follows:

**SECTION 20.** In Colorado Revised Statutes, 12-61-111.5, **amend** (1) and (2)(a)(I) as follows:

**12-61-111.5. Fee adjustments.** (1) This section ~~shall apply~~ APPLIES to all activities of the division under parts 1, ~~3~~, 4, 7, and 10 of this ~~article~~ ARTICLE 61.

(2) (a) (I) The division shall propose, as part of its annual budget request, an adjustment in the amount of each fee that it is authorized by law to collect under parts 1, ~~3~~, 4, 7, and 10 of this ~~article~~ ARTICLE 61. The budget request and the adjusted fees for the division ~~shall~~ MUST reflect direct and indirect costs.

**SECTION 21.** In Colorado Revised Statutes, 12-61-112, **amend** (1) as follows:

**12-61-112. Records - evidence - inspection.** (1) The executive director of the department of regulatory agencies shall adopt a seal by which all proceedings authorized under parts 1 ~~3~~, and 4 of this ~~article~~ ARTICLE 61 shall be authenticated. Copies of records and papers in the office of the commission or department of regulatory agencies relating to the administration of parts 1 ~~3~~, and 4 of this ~~article~~ ARTICLE 61, when duly certified and authenticated by the seal, shall be received as evidence in all courts equally and with like effect as the originals. All records kept in the office of the commission or department of regulatory agencies, under authority of parts 1 ~~3~~, and 4 of this ~~article~~, ~~shall~~ ARTICLE 61, MUST be open to public inspection at such time and in such manner as may be prescribed by rules ~~and regulations~~ formulated by the ~~said~~ commission.

**SECTION 22.** In Colorado Revised Statutes, 12-61-113, **amend**

(1)(s)(II) as follows:

**12-61-113. Investigation - revocation - actions against licensee - repeal.** (1) The commission, upon its own motion, may, and, upon the complaint in writing of any person, shall, investigate the activities of any licensee or any person who assumes to act in such capacity within the state, and the commission, after the holding of a hearing pursuant to section 12-61-114, has the power to impose an administrative fine not to exceed two thousand five hundred dollars for each separate offense and to censure a licensee, to place the licensee on probation and to set the terms of probation, or to temporarily suspend or permanently revoke a license when the licensee has performed, is performing, or is attempting to perform any of the following acts and is guilty of:

(s) (II) Effective on and after ~~the repeal of part 3 of this article~~ AUGUST 26, 2013, fraud, misrepresentation, deceit, or conversion of trust funds that results in the entry of a civil judgment for damages.

**SECTION 23.** In Colorado Revised Statutes, 12-61-114, **amend** (4) as follows:

**12-61-114. Hearing - administrative law judge - review - rule-making authority.** (4) The decision of the commission in any disciplinary action or denial of licensure under this section is subject to review by the court of appeals by appropriate proceedings under section 24-4-106 (11). ~~C.R.S.~~ In order to effectuate the purposes of parts 1, ~~3~~, 4, and 8 of this ~~article~~ ARTICLE 61, the commission has the power to promulgate rules ~~and regulations~~ pursuant to article 4 of title 24. ~~C.R.S.~~ The commission may appear in court by its own attorney.

**SECTION 24.** In Colorado Revised Statutes, **amend** 12-61-121 as follows:

**12-61-121. Failure to obey subpoena - penalty.** Any person who willfully fails or neglects to appear and testify or to produce books, papers, or records required by subpoena, duly served upon him OR HER in any matter conducted under parts 1 ~~3~~, and 4 of this ~~article~~ ARTICLE 61, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of twenty-five dollars, or imprisonment in the county jail for not more than thirty days for each such offense, or by both such fine and imprisonment.

Each day such person so refuses or neglects ~~shall constitute~~ CONSTITUTES a separate offense.

**SECTION 25.** In Colorado Revised Statutes, **amend** 12-61-122 as follows:

**12-61-122. Powers of commission - injunctions.** The commission may apply to a court of competent jurisdiction for an order enjoining any act or practice ~~which~~ THAT constitutes a violation of parts 1 ~~3~~; and 4 of this ~~article~~ ARTICLE 61, and, upon a showing that a person is engaging or intends to engage in any such act or practice, an injunction, restraining order, or other appropriate order shall be granted by such court regardless of the existence of another remedy therefor. Any notice, hearing, or duration of any injunction or restraining order shall be made in accordance with the provisions of the Colorado rules of civil procedure.

**SECTION 26.** In Colorado Revised Statutes, 12-61-1001, **amend** (3)(b) as follows:

**12-61-1001. Definitions.** As used in this part 10, unless the context otherwise requires:

(3) (b) As used in this subsection ~~(2)~~ (3), "majority of units" means the units to which are allocated more than fifty percent of the allocated interests in the common interest community appurtenant to all units that are designated for residential use.

**SECTION 27.** In Colorado Revised Statutes, 13-80-101, **amend** (1)(c) as follows:

**13-80-101. General limitation of actions - three years.** (1) The following civil actions, regardless of the theory upon which suit is brought, or against whom suit is brought, shall be commenced within three years after the cause of action accrues, and not thereafter:

(c) All actions for fraud, misrepresentation, concealment, or deceit except those in section 13-80-102 (1)(j); ~~or section 13-80-103 (1)(g);~~

**SECTION 28.** In Colorado Revised Statutes, 13-80-103, **repeal** (1)(g) as follows:

**13-80-103. General limitation of actions - one year.** (1) The following civil actions, regardless of the theory upon which suit is brought, or against whom suit is brought, shall be commenced within one year after the cause of action accrues, and not thereafter:

(g) ~~All actions for negligence, fraud, willful misrepresentation, deceit, or conversion of trust funds brought under section 12-61-303, C.R.S.,~~

**SECTION 29.** In Colorado Revised Statutes, 14-10-115, amend (3)(f) and (3)(g) as follows:

**14-10-115. Child support guidelines - purpose - definitions - determination of income - schedule of basic child support obligations - adjustments to basic child support - additional guidelines - child support commission.** (3) **Definitions.** As used in this section, unless the context otherwise requires:

(f) "Postsecondary education" includes college and ~~vocational~~ CAREER AND TECHNICAL education programs.

(g) "Postsecondary education support" means support for the following expenses associated with attending a college, university, or ~~vocational~~ CAREER AND TECHNICAL education program: Tuition, books, and fees.

**SECTION 30.** In Colorado Revised Statutes, 14-10-122, amend (1.5)(d)(I)(A) and (1.5)(i) as follows:

**14-10-122. Modification and termination of provisions for maintenance, support, and property disposition - automatic lien.** (1.5) (d) **Lien on motor vehicles.** (I) (A) To evidence a lien on a motor vehicle created pursuant to this subsection (1.5), a delegate child support enforcement unit shall issue a notice of lien to the authorized agent as defined in section ~~42-6-102 (1), C.R.S.,~~ 42-6-102 (1.5) by first class mail. From the time of filing of the lien for public record and the notation of such lien on the owner's certificate of title, such lien shall be an encumbrance in favor of the obligee, or the assignee of the obligee, and ~~shall~~ MUST encumber any interest of the obligor in the motor vehicle. In order for any such lien to be effective as a valid lien against a motor vehicle, the obligee,

or assignee of the obligee, shall have such lien filed for public record and noted on the owner's certificate of title in the manner provided in sections 42-6-121 and 42-6-129. ~~C.R.S.~~

(i) **No liability.** No clerk and recorder, authorized agent as defined in section ~~42-6-102 (1), C.R.S.~~, 42-6-102 (1.5), financial institution, lienholder, or filing officer, nor any employee of any of such persons or entities, shall be liable for damages for actions taken in good faith compliance with this subsection (1.5).

**SECTION 31.** In Colorado Revised Statutes, 15-14-736, **amend** (1)(d) as follows:

**15-14-736. Personal and family maintenance.** (1) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to personal and family maintenance authorizes the agent to:

(d) Provide normal domestic help, usual vacations and travel expenses, and funds for shelter, clothing, food, appropriate education, including postsecondary and vocational CAREER AND TECHNICAL education, and other current living costs for the individuals described in ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION;

**SECTION 32.** In Colorado Revised Statutes, 15-16-913, **amend** (3)(a) introductory portion as follows:

**15-16-913. Trust for beneficiary with disability - definitions.** (3) In an exercise of the decanting power under this section, the following rules apply:

(a) Notwithstanding section ~~15-15-911 (3)(b)~~ 15-16-911 (3)(b), the interest in the second trust of a beneficiary with a disability may:

**SECTION 33.** In Colorado Revised Statutes, 15-18.5-103, **amend** (4)(c)(II) as follows:

**15-18.5-103. Proxy decision-makers for medical treatment authorized - definitions.** (4) (c) (II) For the purposes of ~~sub-subparagraph (C) of subparagraph (f) and sub-subparagraphs (B) and (C) of~~

~~subparagraph (IV) of this paragraph (c)~~ SUBSECTIONS (4)(c)(I)(C), (4)(c)(V)(B), and (4)(c)(V)(C) OF THIS SECTION, if the health care facility does not have a medical ethics committee, the facility shall refer the attending physician or his or her designee to a medical ethics committee at another health care facility.

**SECTION 34.** In Colorado Revised Statutes, 16-11-206, **amend** (1) as follows:

**16-11-206. Revocation hearing.** (1) At the first appearance of the probationer in court or at the commencement of the hearing, whichever is first in time, the court shall advise the probationer as provided in section ~~16-7-206~~ 16-7-207 insofar as such matters are applicable; except that there ~~shall be~~ IS no right to a trial by jury in proceedings for revocation of probation.

**SECTION 35.** In Colorado Revised Statutes, 16-18.5-104, **amend** (5)(c)(I) as follows:

**16-18.5-104. Initial collections investigation - payment schedule.** (5) Following the investigation required by subsection (3) of this section, the collections investigator may also:

(c) (I) File a transcript of the order for restitution with the authorized agent as defined in section ~~42-6-102(1)~~, C.R.S. 42-6-102 (1.5). From the time of the filing of the transcript, there shall be a lien that is an encumbrance in favor of the state or the victim, or an assignee of the state or the victim, and shall encumber any interest of the defendant in a motor vehicle. In order for such lien to be effective as a valid lien against a motor vehicle, the state or the victim, or the assignee of the state or the victim, shall have such lien filed for public record and noted on the owner's certificate of title in the manner provided in sections 42-6-121 and 42-6-129. ~~C.R.S.~~

**SECTION 36.** In Colorado Revised Statutes, 17-24-106.6, **amend** (4) and (5) as follows:

**17-24-106.6. Surplus state property.** (4) Any moneys used to cover the administrative costs of the transfer of responsibilities with respect to surplus state property from the department of ~~administration~~ PERSONNEL



to the department of corrections shall be transmitted to the state treasurer, who shall credit the same to the surplus property fund, which fund is hereby created, and such fund shall be subject to appropriation by the general assembly for the purposes of this section.

(5) Any moneys in any accounts or funds administered by the department of ~~administration~~ PERSONNEL that are derived from the administration of part 4 of article 82 of title 24 ~~C.R.S.~~, shall be transferred to the surplus property fund.

**SECTION 37.** In Colorado Revised Statutes, 18-1-711, **amend** (3)(a) as follows:

**18-1-711. Immunity for persons who suffer or report an emergency drug or alcohol overdose event - definitions.** (3) The immunity described in subsection (1) of this section shall apply to the following criminal offenses:

(a) Unlawful possession of a controlled substance, as described in section ~~18-18-403.5 (2)(a)(I), (2)(b)(I), or (2)(c)~~ 18-18-403.5 (2);

**SECTION 38.** In Colorado Revised Statutes, 18-1.3-301, **amend** (1)(g.5) as follows:

**18-1.3-301. Authority to place offenders in community corrections programs.** (1) (g.5) Notwithstanding any other provision of law to the contrary, if an offender is terminated or rejected from a community corrections program after having been sentenced to the program for a level 4 drug felony, the court shall conduct a resentencing hearing in order to comply with each exhaustion of remedy provision in section ~~18-1.3-405.5~~ 18-1.3-104.5 or shall make written findings regarding resentencing after consideration of all the information provided to the court pursuant to section 18-1.3-104.5 (2)(c). Nothing in this section requires that a community corrections program accept or maintain an offender who has been terminated from a community corrections program.

**SECTION 39.** In Colorado Revised Statutes, 18-12-206, **repeal** (3)(b)(II) as follows:

**18-12-206. Sheriff - issuance or denial of permits - report.**

(3) (b) (II) ~~Prior to the repeal in subparagraph (I) of this paragraph (b), the state auditor's office shall conduct a performance audit of the statewide database of permittees as provided in section 2-3-118, C.R.S.~~

**SECTION 40.** In Colorado Revised Statutes, 18-19-103.5, **amend** (4) as follows:

**18-19-103.5. Rural alcohol and substance abuse surcharge - repeal.** (4) This section is repealed, effective ~~July 1, 2016~~ SEPTEMBER 1, 2025, unless the general assembly extends the repeal of the rural alcohol and substance abuse prevention and treatment program created in section 27-80-117. ~~C.R.S.~~

**SECTION 41.** In Colorado Revised Statutes, 19-3-205, **amend** (2)(a)(II) as follows:

**19-3-205. Continuing jurisdiction.** (2) (a) Commencing January 1, 2012, the court shall consider the individual circumstances of each youth in out-of-home placement who is at least seventeen years of age but who has not yet reached eighteen years of age to determine if the youth is ready to become independent upon reaching eighteen years of age or whether the youth should remain under the care and supervision of the county until the youth reaches twenty-one years of age unless earlier terminated by court order. The court shall determine if the youth is engaged in one of the following activities:

(II) Enrolled in an institution that provides postsecondary or ~~vocational~~ CAREER AND TECHNICAL education;

**SECTION 42.** In Colorado Revised Statutes, 22-5-106, **amend** (1)(b) as follows:

**22-5-106. Financing, budgeting, and accounting.** (1) (b) A board of cooperative services may finance all or a portion of the costs of an approved ~~vocational~~ CAREER AND TECHNICAL education program from funds received pursuant to article 8 of title 23. ~~C.R.S.~~

**SECTION 43.** In Colorado Revised Statutes, 22-5-119, **amend** (8) as follows:

**22-5-119. Statewide supplemental online and blended learning program - legislative declaration - contract - definitions.** (8) Each high school student in Colorado may take at least one supplemental online course per year. Each supplemental online course contract provider shall report to the administering BOCES information concerning the students who participate in the supplemental online courses to enable the administering BOCES to track the students' academic performance in the supplemental online courses. The administering BOCES shall annually collect data related to completion and passage rates from the providers contracted to provide supplemental online and blended learning and report that data to the department. The department shall collect the data through existing student data collection systems and in compliance with all state and federal laws and regulations concerning the privacy of information, including but not limited to the federal "Family Education EDUCATIONAL Rights and Privacy Act of 1974", 20 U.S.C. sec. 1232g, as amended.

**SECTION 44.** In Colorado Revised Statutes, 22-7-1016.5, **amend** (5) as follows:

**22-7-1016.5. Exchange of student records.** (5) The data exchange procedure established pursuant to this section and section 23-1-119.3 ~~C.R.S.~~, must ensure that the exchange of information is conducted in compliance with all state and federal laws and regulations concerning the privacy of information, including but not limited to the federal "Family Education EDUCATIONAL Rights and Privacy Act of 1974", 20 U.S.C. sec. 1232g, as amended, and all federal regulations and applicable guidelines adopted in accordance therewith.

**SECTION 45.** In Colorado Revised Statutes, 22-20-109, **amend** (2)(b) as follows:

**22-20-109. Tuition - rules.** (2) (b) The state board shall promulgate rules to define the contract approval process and the method for determining the tuition rate that a school district of residence of a child with a disability shall pay as tuition to educate that child at an approved facility school. The rules for determining a tuition rate ~~shall~~ **MUST** include, but need not be limited to, the limitations on the number of staff members per number of students, the number of school days, all special education expenditures as defined in section 22-20-103 (22.7) and specified by the child's IEP, other education costs, and applicable revenues associated with

the approved facility school's educational program. The rules ~~shall~~ MAY not require that, in calculating the amount of the tuition charge for educating a child with a disability in an approved facility school, the costs incurred by the approved facility school in providing the special education program be reduced by the amount of revenues, if any, received by the approved facility school as donations or special education grants. The school district of residence ~~shall be~~ IS responsible for paying as tuition any excess costs above the ~~state average per pupil revenues~~ AMOUNT THE DEPARTMENT PAYS to provide these services pursuant to section 22-54-129 (2).

**SECTION 46.** In Colorado Revised Statutes, 22-20-118, **amend** (1)(c)(III) as follows:

**22-20-118. Child find from birth through two years of age - responsibilities - rules - interagency operating agreements - transition meetings - funding.** (1) The department shall have the following responsibilities concerning part C child find:

(c) To establish state-level interagency operating agreements, including but not limited to:

(III) Facilitating the implementation of part C child find and the use of medicaid funds related to part C child find activities, including sharing of information where appropriate with the department of human services or the department of health care policy and financing as it provides part C child find services, provided that both departments act in compliance with the federal "Health Insurance Portability and Accountability Act of 1996", 42 U.S.C. sec. 1320, as amended, and the federal "Family Education EDUCATIONAL Rights and Privacy Act of 1974", 20 U.S.C. sec. 1232g, and all federal regulations and applicable guidelines adopted thereto; and

**SECTION 47.** In Colorado Revised Statutes, 22-32-109.1, **amend** (6) as follows:

**22-32-109.1. Board of education - specific powers and duties - safe school plan - conduct and discipline code - safe school reporting requirements - school response framework - school resource officers - definitions - repeal.** (6) **Sharing information.** Notwithstanding any provision to the contrary in title 24, ~~C.R.S.~~, each board of education shall establish policies consistent with section 24-72-204 (3) ~~C.R.S.~~, and with

applicable provisions of the federal "Family Education EDUCATIONAL Rights and Privacy Act of 1974" (FERPA), 20 U.S.C. sec. 1232g, and all federal regulations and applicable guidelines adopted thereto, to share and release information directly related to a student and maintained by a public school or by a person acting for the public school in the interest of making schools safer. Sharing of information concerning an out-of-home placement student who is being transferred to a public school ~~shall~~ MUST comply with the rules established by the state board pursuant to section 22-2-139 (9).

**SECTION 48.** In Colorado Revised Statutes, 22-33-106, **amend** (1.5) as follows:

**22-33-106. Grounds for suspension, expulsion, and denial of admission.** (1.5) Notwithstanding any other provision of law, in accordance with the provisions of ~~20 U.S.C. sec. 7151~~ 20 U.S.C. SEC. 7961, a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school, shall be expelled for a period of not less than one year; except that the superintendent of the student's school district may modify this requirement for a student on a case-by-case basis if such modification is in writing.

**SECTION 49.** In Colorado Revised Statutes, 22-33-201.5, **amend** (1)(c) as follows:

**22-33-201.5. Definitions.** For purposes of this part 2, unless the context otherwise requires:

(1) "Educational services" means any of the following types of services to provide instruction in the academic areas of reading, writing, mathematics, science, and social studies:

(c) ~~Vocational~~ CAREER AND TECHNICAL education programs.

**SECTION 50.** In Colorado Revised Statutes, 22-43.7-111, **repeal** (3) as follows:

**22-43.7-111. Reporting requirements - auditing by state auditor.** (3) ~~The state auditor shall conduct or cause to be conducted a performance audit of the financial assistance grant and lease-purchase~~

~~programs authorized by this article. The state auditor shall submit findings, conclusions, and recommendations resulting from the performance audit to the members of the legislative audit committee of the general assembly and to the members of the education and finance committees of the house of representatives and the senate, or any successor committees, no later than February 15, 2014.~~

**SECTION 51.** In Colorado Revised Statutes, **amend** 22-51-101 as follows:

**22-51-101. Legislative declaration.** It is declared to be the policy of this state to furnish financial aid to school districts and the state charter school institute of the state for the transportation of pupils to and from their places of residence and the public schools which they attend, including transportation for purposes of special education and ~~vocational~~ CAREER AND TECHNICAL education, and for board in lieu of transportation. It is further declared to be the policy of this state to furnish aid to facility schools for the transportation of pupils in facilities to and from the facilities in which they reside and the facilities in which they receive educational services.

**SECTION 52.** In Colorado Revised Statutes, 22-51-102, **amend** the introductory portion, (1)(a), and (3)(a) as follows:

**22-51-102. Definitions.** As used in this ~~article~~ ARTICLE 51, unless the context otherwise requires:

(1) (a) "Current operating expenditures for pupil transportation" means expenditures for providing pupil transportation, exclusive of purchase or lease of pupil transportation vehicles or other capital outlays. The term includes expenditures for the following: Motor fuel and oil; maintenance and repair of vehicles (including additions to and alterations of pupil transportation vehicles built since 1977 that will increase efficiency and safety or that are necessary to meet current minimum standards), equipment, and facilities; costs of employment for drivers while employed in pupil transportation; costs of employment paid specifically for providing transportation supervision and support services; insurance; contracted services; reimbursements to pupils who utilize public transportation services; and, for entitlement periods ending on June 30, 1989, and thereafter, amounts spent for pupil transportation for special

education and ~~vocational~~ CAREER AND TECHNICAL education programs.

(3) "Pupil transportation" means:

(a) The transportation of pupils regularly enrolled in the public schools through grade twelve to and from their places of residence and the public schools in which enrolled, including any site attended for special education or ~~vocational~~ CAREER AND TECHNICAL education, and to and from one school of attendance and another in vehicles owned or rented and operated by a school district or state charter school or under contract with a school district or state charter school; and

**SECTION 53.** In Colorado Revised Statutes, 22-54-107, **amend** (3) as follows:

**22-54-107. Buy-out of categorical programs - total program reserve fund levy.** (3) For purposes of this section, "categorical program support funds that the district would otherwise be eligible to receive from the state" means amounts that the district would have received from the state but that will be received instead from property tax revenues by reason of this section and includes funds pursuant to the "Exceptional Children's Educational Act", article 20 of this ~~title~~ TITLE 22; funds pursuant to the "English Language Proficiency Act", article 24 of this ~~title~~ TITLE 22; transportation aid pursuant to article 51 of this ~~title~~ TITLE 22; small attendance center aid pursuant to section 22-54-122; and ~~vocational~~ CAREER AND TECHNICAL education aid pursuant to article 8 of title 23. ~~C.R.S.~~ Funds received by an administrative unit under the "Exceptional Children's Educational Act", article 20 of this ~~title~~ TITLE 22, as reimbursement for services provided to children counted in the pupil enrollment of a district ~~shall be~~ ARE considered as funds that a district would otherwise be eligible to receive for purposes of this subsection (3).

**SECTION 54.** In Colorado Revised Statutes, 23-1-108, **amend** (1)(b) as follows:

**23-1-108. Duties and powers of the commission with regard to systemwide planning.** (1) The commission, after consultation with the governing boards of institutions and as a part of the master planning process, shall have the authority to:

(b) Establish such academic and ~~vocational~~ CAREER AND TECHNICAL education planning as may be necessary to accomplish and sustain systemwide goals of high quality, access, diversity, efficiency, and accountability. Such planning ~~shall~~ MUST include identification by each governing board of programs of excellence at institutions under their control and plans for enhancement and improvement for those programs.

**SECTION 55.** In Colorado Revised Statutes, 23-1-119.3, **amend** (5) and (6) as follows:

**23-1-119.3. Department directive - exchange of student records.**

(5) The data exchange procedure established pursuant to this section and section 22-7-1016.5 ~~C.R.S.~~, must ensure that the exchange of information is conducted in compliance with all state and federal laws and regulations concerning the privacy of information, including but not limited to the federal "Family ~~Education~~ EDUCATIONAL Rights and Privacy Act of 1974", 20 U.S.C. sec. 1232g, as amended, and all federal regulations and applicable guidelines adopted in accordance therewith.

(6) In compliance with all state and federal laws and regulations concerning the privacy of information, including but not limited to the federal "Family ~~Education~~ EDUCATIONAL Rights and Privacy Act of 1974", 20 U.S.C. sec. 1232g, as amended, and all federal regulations and applicable guidelines adopted in accordance therewith, the department of higher education shall share student unit record data with Colorado public institutions of higher education for recruitment, enrollment, and placement purposes.

**SECTION 56.** In Colorado Revised Statutes, **amend** 23-3-101 as follows:

**23-3-101. Short title.** THE SHORT TITLE OF this ~~article shall be known and may be cited as~~ ARTICLE 3 IS the "Higher and ~~Vocational~~ CAREER AND TECHNICAL Education Loan Guarantee Act of 1968".

**SECTION 57.** In Colorado Revised Statutes, **amend** 23-3-102 as follows:

**23-3-102. Legislative declaration.** The general assembly finds and declares that the provision of a higher or ~~vocational~~ CAREER AND



TECHNICAL education for all residents of this state who desire such an education and are properly qualified therefor is important to the welfare and security of this state and nation and, consequently, serves an important public purpose and that many qualified students are deterred by financial considerations from completing their education, with a consequent irreparable loss to the state and nation of talents vital to welfare and security. The number of qualified persons who desire higher or vocational CAREER AND TECHNICAL education is increasing rapidly, and the physical facilities, faculties, and staffs of the institutions of higher education operated by the state will have to be expanded greatly to accommodate such persons, with an attendant sharp increase in the cost of educating such persons. A system of financial assistance through guaranteed loans for qualified residents of college age will enable them to attend qualified institutions of their choice.

**SECTION 58.** In Colorado Revised Statutes, 23-5-112, **amend** (3) as follows:

**23-5-112. Gifts and bequests to institutions of higher education - venture development investment funds.** (3) Nonprofit entities such as foundations, institutes, and similar organizations organized for the sole benefit of one or more state institutions of higher education ~~shall be~~ ARE entitled to receive gifts and bequests of money or property which may be tendered to any such entity by will or gift. Such gifts and bequests are subject to audit by the state auditor or ~~his~~ THE STATE AUDITOR'S designee. If the entity is entirely separate and apart from the institution, if no employees of the institution serve as staff or as voting members of the entity's board, and if the funds and accounts of the entity are entirely separate from those of the institution, such gifts and bequests ~~shall be~~ ARE subject to annual audit to be performed by an independent accounting firm engaged by the entity if determined in advance to be satisfactory to the legislative audit committee. The state auditor shall have access to all of the accountant's work papers. If, alternatively, the separate relationship does not prevail, members and employees of the board of the entity may include staff members or employees of the institution, and such gifts and bequests ~~shall be~~ ARE subject to audit by the state auditor or ~~his~~ THE STATE AUDITOR'S designee.

**SECTION 59.** In Colorado Revised Statutes, 23-5-131, **repeal** (6) as follows:

**23-5-131. Governing boards - tuition - fixed rate contract.** (6) ~~A fixed-rate contract entered into pursuant to this section shall take into account the factors required to be specified in the five-year financial accountability plan, if any, submitted pursuant to section 23-5-130.5 by the state-supported institution of higher education offering the fixed-rate contract.~~

**SECTION 60.** In Colorado Revised Statutes, 23-7-103.5, **amend** (2)(a) introductory portion and (2)(a)(II) as follows:

**23-7-103.5. Unaccompanied homeless youth - domicile - definitions.** (2) (a) As used in this section, unless the context otherwise requires, "unaccompanied homeless youth" means an individual who has not attained twenty-two years of age and who has been verified by a person described in ~~paragraph (b) of this subsection~~ (2) SUBSECTION (2)(b) OF THIS SECTION as either:

(II) An unaccompanied youth, at risk of homelessness, and self-supporting. The Colorado commission on higher education shall include in its tuition classification policies a definition of "unaccompanied ~~homeless~~ youth, at risk of homelessness, and self-supporting".

**SECTION 61.** In Colorado Revised Statutes, 23-60-102, **amend** (1) as follows:

**23-60-102. Legislative declaration.** (1) The general assembly hereby finds and declares that the state board for community colleges and occupational education is charged to develop and establish state policy for occupational education and to govern the state system of community colleges. The board shall be responsible for the establishment of statewide ~~vocational~~ CAREER AND TECHNICAL education policy for all the entities which provide ~~that~~ SUCH education and shall coordinate all aspects of ~~vocational~~ CAREER AND TECHNICAL education in the state to assure quality programming and efficient delivery of such education.

**SECTION 62.** In Colorado Revised Statutes, 23-60-103, **amend** (2) as follows:

**23-60-103. Definitions.** As used in this article, unless the context otherwise requires:

(2) "Occupational education" means any education designed to facilitate ~~the vocational, technical,~~ CAREER AND TECHNICAL or occupational development of individual persons, including, but not limited to, ~~vocational or technical~~ CAREER AND TECHNICAL training or retraining ~~which~~ THAT is given in schools or classes, including field or laboratory work incident thereto, under public supervision and control or under contract with the board or a local educational agency and ~~which~~ THAT is conducted as a part of a program designed to fit individuals for gainful employment as semiskilled or skilled workers or technicians in recognized occupations, but excluding any program to fit individuals for employment in occupations generally considered to be professional or ~~which~~ THAT require a baccalaureate or higher degree. The term further includes ~~vocational~~ CAREER AND TECHNICAL guidance and counseling in connection with such training; instruction related to the occupation for which the person is being trained or necessary for ~~him~~ THE PERSON to benefit from such training; and the training of persons engaged as or preparing to become ~~vocational~~ CAREER AND TECHNICAL education teachers, teacher-trainers, supervisors, and directors.

**SECTION 63.** In Colorado Revised Statutes, 23-60-306, **amend** (5) as follows:

**23-60-306. Colorado customized training program - creation - policy - functions of the state board for community colleges and occupational education.** (5) The provisions of article 8 of this ~~title~~ TITLE 23, concerning state assistance for ~~vocational~~ CAREER AND TECHNICAL education program support, shall not apply to the Colorado customized training program.

**SECTION 64.** In Colorado Revised Statutes, 23-60-307, **amend** (6) as follows:

**23-60-307. Colorado existing industry training program - creation - policy - functions of the state board for community colleges and occupational education.** (6) The provisions of article 8 of this ~~title~~ TITLE 23, concerning state assistance for ~~vocational~~ CAREER AND TECHNICAL education program support, shall not apply to the Colorado existing industry training program.

**SECTION 65.** In Colorado Revised Statutes, 23-75-105, **amend**

(1) as follows:

**23-75-105. Reporting requirements.** (1) The department shall report to the education committees of the house of representatives and of the senate, or their successor committees, and to the joint budget committee concerning the development and implementation of the pilot program. The report shall include a summary of the evaluation of the pilot program pursuant to section 23-75-104 (4) in any year in which a pilot program is operating. The department shall report on the pilot program as part of the department's annual presentation to its legislative committee of reference pursuant to section ~~2-7-103, C.R.S.~~ 2-7-203.

**SECTION 66.** In Colorado Revised Statutes, 24-1-136, **repeal** (11)(a)(II) as follows:

**24-1-136. "Information Coordination Act" - policy - functions of the heads of principal departments.** (11) (a) (II) ~~All requirements for reports to the general assembly by executive agencies or the judicial branch that were in existence before July 1, 1996, or that otherwise are not covered by subparagraph (I) of this paragraph (a), shall expire on the following dates:~~

~~(A) to (F) Repealed:~~

**SECTION 67.** In Colorado Revised Statutes, **amend** 24-16-107 as follows:

**24-16-107. Audit.** If any agency of government is alleged to be in violation of or in material noncompliance with this ~~article~~ ARTICLE 16 or the rules ~~and regulations~~ promulgated by the office of the state controller, the legislative audit committee ~~shall~~ **MUST** be advised, in writing, of the activities alleged to be in violation or noncompliance. The legislative audit committee shall give notice to the agency, which shall have ten days to respond to such allegation. If the said committee thereafter determines that there is a reasonable probability of a violation or material noncompliance, the committee shall take appropriate action and may direct the state auditor to conduct an audit and review of the records being kept by such agency. If the state auditor determines that the agency has violated or has not complied or is not complying with this ~~article~~ ARTICLE 16 or the rules, ~~and regulations~~, a written report shall be issued to the agency detailing the areas

of violation or noncompliance and curative recommendations. The agency shall implement the recommendations of the state auditor within a time period set by him THE STATE AUDITOR not to exceed six months.

**SECTION 68.** In Colorado Revised Statutes, 24-21-116, **amend** (2)(c) and (6) as follows:

**24-21-116. Business intelligence center program - creation - public data - contests - legislative declaration - definitions - repeal.** (2) As used in this section:

(c) "Program" means the business intelligence center program created in ~~paragraph (a) of~~ subsection (3) of this section.

(6) A public contest conducted by the department in accordance with ~~paragraph (c) of subsection (3)~~ SUBSECTION (3)(d) of this section is not subject to the "Procurement Code", articles 101 to 112 of this title 24.

**SECTION 69.** In Colorado Revised Statutes, **amend** 24-30-1513 as follows:

**24-30-1513. State auditor - examination - report.** (1) The state auditor or any person authorized by him THE STATE AUDITOR shall conduct an examination in accordance with section 2-3-103 ~~C.R.S.~~, to determine that proper underwriting techniques, sound funding procedures, loss reserves, claims procedures, and accounting practices are being followed in the management and operation of the risk management fund, the self-insured property fund, and the state employee workers' compensation account in the risk management fund.

(2) The state auditor shall present a report of his OR HER findings concerning:

(a) The risk management fund to the board and to the general assembly; and ~~shall present a report of his findings concerning~~

(b) The self-insured property fund and the state employee workers' compensation account to the general assembly.

**SECTION 70.** In Colorado Revised Statutes, 24-33-108, **amend**

(3) as follows:

**24-33-108. Gifts and devises to the department.** (3) Any ~~moneys~~ MONEY received as gifts under this section and any ~~moneys~~ MONEY received from the investment of such ~~moneys~~ MONEY or property received under this section and any interest therefrom ~~shall~~ MUST be credited to a special fund known as the Colorado natural resources foundation fund. ~~Such~~ THE fund and any gifts or devises received by the department of natural resources pursuant to this section shall not diminish any appropriations made to the department. ~~Such funds~~ MONEY IN THE FUND shall not be expended in such a manner as to commit expenditures from the general fund or any cash fund ~~which~~ THAT is designated for regulatory purposes within the division of water resources. The use of gifts and devises ~~shall be~~ ARE subject to audit by the state auditor or the STATE auditor's designee, the cost of which shall be borne by the department.

**SECTION 71.** In Colorado Revised Statutes, 24-34-110, **amend** (3)(a)(XX) as follows:

**24-34-110. Medical transparency act of 2010 - disclosure of information about health care licensees - fines - rules - short title - legislative declaration - repeal.** (3)(a) As used in this section, "applicant" means a person applying for a new, active license, certification, or registration or to renew, reinstate, or reactivate an active license, certification, or registration to practice:

(XX) Speech-language pathology pursuant to article ~~43:5~~ 43.7 of title 12; ~~C.R.S.~~;

**SECTION 72.** In Colorado Revised Statutes, **amend** 24-46-206 as follows:

**24-46-206. Office - report.** The office of economic development shall assist the authority in administering this part 2. The authority shall submit a report to the state auditor on February 1 of each year regarding the results of the implementation of this part 2. ~~The state auditor shall audit the implementation of this part 2 within three years after March 4, 2004, and submit a report of the audit to the legislative audit committee.~~

**SECTION 73.** In Colorado Revised Statutes, 24-48.5-301, **amend**

(2)(a)(III) as follows:

**24-48.5-301. Creative industries division - creative industries cash fund - creation - definition.** (2) (a) There is hereby created in the state treasury the creative industries cash fund, referred to in this section as the "fund". The fund consists of:

(III) Moneys credited to the fund by the state treasurer for purposes of the art in public places program pursuant to section ~~24-48.5-312 (7) (b.5)~~ 24-48.5-312 (8);

**SECTION 74.** In Colorado Revised Statutes, 24-48.5-312, **amend** (3)(c) as follows:

**24-48.5-312. Art in public places program - allocations from capital construction costs - guidelines - fund created - definitions.** (3) (c) If the allocation provided for in ~~paragraph (a) of this subsection (3)~~ SUBSECTION (3)(a) OF THIS SECTION is less than one thousand dollars, the council may, at its discretion, either select a jury or direct that the funds be held within the ~~works of art in public places~~ CREATIVE INDUSTRIES CASH fund described in subsection ~~(7) (8)~~ of this section for the acquisition of works of art for the state agency for which the capital construction project is to be constructed. Whenever the funds for any state agency equal or exceed one thousand dollars, the council shall select a jury as described in ~~paragraph (a) of subsection (6)~~ SUBSECTION (6)(a) of this section.

**SECTION 75.** In Colorado Revised Statutes, **repeal** 24-51-614 as follows:

**24-51-614. Employee retirement benefit study.** ~~(1) The state auditor shall conduct a comprehensive study of defined benefit and defined contribution retirement plan designs for state employees and for other employees who are members of the association or eligible to be members. The study shall include a comparison of the benefits, cost, and portability of association benefits with the benefits, cost, and portability of benefits provided by other defined benefit and defined contribution retirement plans for public and private sector employees in Colorado and other states, including social security, and a review of the effectiveness of retirement plan designs for attracting and retaining qualified state and school employees. The study shall also include any topics recommended by the~~

~~board or by the legislative audit committee for the study.~~

~~(2) The state auditor shall contract with a professional actuarial or pension consulting firm of national standing to perform duties in connection with the study. The expenses of the firm, as approved by the state auditor, shall be paid by the association.~~

~~(3) Repealed.~~

~~(4) (a) The state auditor, with the concurrence of the association, shall retain a nationally recognized and enrolled actuarial firm with experience in public sector pension plans to conduct the studies described in subsections (5) and (6) of this section. The state auditor shall administer a request for proposals process and solicit independent third-party firms with the necessary credentials to bid for performance of the studies. The state auditor shall select a firm that has a history of unbiased peer-reviewed results and shall not select a firm that has a known conflict of interest that may interfere with its ability to produce an objective report. Any firm that responds to the request for proposals shall disclose any association that it had or currently has with a biased group. The state auditor and the association may retain one firm to conduct both studies required pursuant to subsections (5) and (6) of this section or may retain a separate firm to conduct each study. If, following good faith efforts, the state auditor and the association do not concur regarding the selection of the firm or firms by October 1, 2014, the state auditor shall retain the firm or firms preferred by the state auditor. The state auditor shall enter into a contract with the selected firm or firms by October 31, 2014.~~

~~(b) The state auditor and the association shall confer with the office of state planning and budgeting to determine the scope of the study required by subsection (5) of this section and the analysis required by subsection (6) of this section.~~

~~(5) (a) The firm selected pursuant to subsection (4) of this section shall perform a comprehensive study comparing the cost and effectiveness of the current hybrid defined benefit plan design established in this article to alternative plan designs in the public and private sector. The study must include the following:~~

~~(i) A comparison of the benefits, cost, and portability of benefits~~



provided by the association in its current plan design with the benefits, cost, and portability of benefits provided by alternative plan designs;

~~(II) A comparison of the current plan design to other statewide plans, private sector retirement plans, and any other appropriate plans as determined by the association and the office of the state auditor;~~

~~(III) An analysis of the cost to employees and employers that would be incurred by transitioning from the current plan design administered by the association to alternative plan designs;~~

~~(IV) The impact that a change from the current plan design to alternative plan designs would have on expected retirement benefits for current and future retirees of the association;~~

~~(V) The incremental impacts that a change from the current plan design to alternative plan designs would have on the association's ability to fully amortize the unfunded actuarial accrued liability of each division of the association; and~~

~~(VI) The impact that a change from the current plan design to alternative plan designs would have on employers and taxpayers relative to the plan design currently specified in law.~~

~~(b) On or before July 15, 2015, the association and the office of the state auditor shall deliver a report detailing the findings of the study conducted pursuant to this subsection (5) to the office of the governor, the joint budget committee, the legislative audit committee, and the finance committees of the senate and the house of representatives, or any successor committees.~~

~~(6) (a) The firm selected pursuant to subsection (4) of this section shall perform a sensitivity analysis to determine when, from an actuarial perspective, model assumptions are meeting targets and achieving sustainability. In furtherance of making this determination, the firm shall examine the data that the association currently collects.~~

~~(b) On or before December 1, 2015, the association and the office of the state auditor shall deliver a report detailing the findings of the study conducted pursuant to this subsection (6) to the office of the governor, the~~

~~joint budget committee, the legislative audit committee, and the finance committees of the senate and the house of representatives, or any successor committees:~~

~~(7) For purposes of the studies required by subsections (5) and (6) of this section, the association shall provide access to official member information and data under a confidentiality agreement with the retained actuarial firm or firms:~~

~~(8) The state auditor shall notify the joint budget committee of the general assembly if he or she determines that the amount appropriated by the general assembly for the purpose of the studies required by subsections (5) and (6) of this section is insufficient to procure a vendor to complete the scope of the work required:~~

**SECTION 76.** In Colorado Revised Statutes, 24-72-204, **amend** (3)(d) introductory portion, (3)(d)(III), and (3)(e)(I) introductory portion as follows:

**24-72-204. Allowance or denial of inspection - grounds - procedure - appeal - definitions.** (3) (d) ~~The provisions of This paragraph (d) shall apply~~ **SUBSECTION (3)(d) APPLIES** to all public schools and school districts that receive funds **FUNDING** under article 54 of title 22. ~~C.R.S.~~ **Notwithstanding the provisions of subparagraph (VI) of paragraph (a) of this subsection (3) SUBSECTION (3)(a)(VI) OF THIS SECTION,** under policies adopted by the local board of education, the names, addresses, and home telephone numbers of students in any secondary school ~~shall~~ **MUST** be released to a recruiting officer for any branch of the United States armed forces who requests such information, subject to the following:

(III) The local board of education shall comply with any applicable provisions of the federal "Family ~~Education~~ **EDUCATIONAL** Rights and Privacy Act of 1974" (FERPA), 20 U.S.C. sec. 1232g, and the federal regulations cited thereunder relating to the release of student information by educational institutions that receive federal funds.

(e) (I) ~~The provisions of this paragraph (c) shall apply~~ **THIS SUBSECTION (3)(e) APPLIES** to all public schools and school districts. ~~Notwithstanding the provisions of subparagraph (f) of paragraph (a) of this subsection (3) SUBSECTION (3)(a)(I) OF THIS SECTION,~~ under policies

adopted by each local board of education, consistent with applicable provisions of the federal "Family Education EDUCATIONAL Rights and Privacy Act of 1974" (FERPA), 20 U.S.C. sec. 1232g, and all federal regulations and applicable guidelines adopted thereto, information directly related to a student and maintained by a public school or by a person acting for the public school ~~shall~~ MUST be available for release if the disclosure meets one or more of the following conditions:

**SECTION 77.** In Colorado Revised Statutes, 24-75-201.1, **amend** (1)(d) introductory portion and (1)(d)(XVII) as follows:

**24-75-201.1. Restriction on state appropriations - legislative declaration - definitions.** (1) (d) For each fiscal year, unrestricted general fund year-end balances ~~shall~~ MUST be retained as a reserve in the following amounts:

(XVII) For the fiscal year 2015-16, an amount equal to five and six-tenths percent of the amount appropriated for expenditure from the general fund for that fiscal year minus the total amount credited to the reserve created in section ~~39-22-107.8, C.R.S.~~, 39-29-107.8 in accordance with ~~paragraph (a) of subsection (2) of said section 39-29-107.8 (2)(a).~~

**SECTION 78.** In Colorado Revised Statutes, 24-75-1104.5, **amend** (3) as follows:

**24-75-1104.5. Use of settlement moneys - programs - repeal.** (3) Notwithstanding ~~the provisions of~~ subsection (1.7) of this section, for purposes of sections 23-20-136 (3.5)(a), 25-4-1401 (6), 25-4-1405 (2), 25-23-104 (2), 25.5-6-805 (2), 25.5-8-105 (3), 26-6.4-107 (2)(d)(I), 26-6.8-102 (2)(d), ~~27-67-106 (2) (b);~~ and 28-5-709 (2)(a), ~~C.R.S.~~, settlement moneys received and allocated by the state pursuant to ~~said~~ subsection (1.7) OF THIS SECTION during the same fiscal year are deemed to be moneys received for or during the preceding fiscal year.

**SECTION 79.** In Colorado Revised Statutes, 24-90-105, **amend** (1)(l) as follows:

**24-90-105. Powers and duties of state librarian.** (1) The state librarian has the following powers and duties with respect to the state library:

(l) To accept gifts and bequests of money or property, and, subject to the terms of any gift or bequest and to applicable provisions of law, to hold in trust, invest, or sell any gift or bequest of money or property, and to use either the principal or interest or the proceeds of sale for programs or purposes specified in the gift or bequest as approved by the state board of education. The use of gifts and bequests shall be subject to audit by the state auditor or ~~his~~ THE STATE AUDITOR'S designee. The principal of any gift or bequest and the interest received thereon from investment shall be available for use by the state library in addition to any funds appropriated by the general assembly. The acceptance of any gift or bequest under this ~~paragraph~~ ~~(l)~~ SUBSECTION (1)(l) shall not commit the state to any expenditure of state funds.

**SECTION 80.** In Colorado Revised Statutes, **amend** 24-92-111 as follows:

**24-92-111. Audit.** If any agency of government is alleged to be in violation of or in material noncompliance with this ~~article~~ ARTICLE 92 or the rules ~~and regulations~~ promulgated thereunder, the legislative audit committee shall be advised, in writing, of the activities alleged to be in violation or noncompliance. The legislative audit committee shall give notice to the agency, which ~~shall have~~ HAS ten days to respond to ~~such~~ THE allegation. If the ~~said~~ committee thereafter determines that there is a reasonable probability of a violation or material noncompliance, the committee shall take appropriate action and may direct the state auditor to conduct an audit and review of the records being kept by ~~such~~ THE agency. If the state auditor determines that the agency has violated or has not complied or is not complying with this ~~article~~ ARTICLE 92 or the rules ~~and regulations~~ promulgated thereunder, a written report shall be issued to the agency detailing the areas of violation or noncompliance and curative recommendations. The agency shall implement the recommendations of the state auditor within a time period set by ~~him~~ THE STATE AUDITOR not to exceed six months.

**SECTION 81.** In Colorado Revised Statutes, 25-3.5-307.5, **amend** (2) as follows:

**25-3.5-307.5. Standards for air ambulance services - rules - civil penalties - disciplinary actions - transitional provisions - repeal.**  
(2) Rules promulgated by the board must not include activities preempted

by the federal aviation administration or the federal "Airline Deregulation Act", 49 U.S.C. sec. 1301 et seq. 49 U.S.C. SEC. 41713.

**SECTION 82.** In Colorado Revised Statutes, 25-3.5-1005, **amend** (1) as follows:

**25-3.5-1005. Website - primary state resource for information.**

(1) In furtherance of the goals of the eighteen-month public awareness and education campaign created in section 25-3.5-1003, AS IT EXISTED PRIOR TO ITS REPEAL IN 2016, and the ongoing prevention and education campaign created in section 25-3.5-1004, the division shall create a website that will serve as the state portal for the most accurate and timely information regarding the health effects of marijuana use and the laws regarding marijuana use. The division shall ensure that the website links to the information made available by local governments that have passed additional restrictions on the use of retail marijuana and links to the website of every state agency that contains relevant information regarding retail marijuana, including any youth prevention campaign managed by a state agency.

**SECTION 83.** In Colorado Revised Statutes, 25-3.5-1006, **amend** (1) as follows:

**25-3.5-1006. Align marijuana messaging - integration of information across state agencies.** (1) The division shall integrate information from each state agency involved in providing retail marijuana information, including the department of human services, the governor's office of marijuana coordination, the department of transportation, the department of revenue, the department of law, the department of public safety, and the department of education, to align the messaging, branding, and education provided by each agency for the eighteen-month public education and awareness campaign required pursuant to section 25-3.5-1003, AS IT EXISTED PRIOR TO ITS REPEAL IN 2016, the ongoing prevention and education campaign required pursuant to section 25-3.5-1004, and the website required pursuant to section 25-3.5-1005.

**SECTION 84.** In Colorado Revised Statutes, **amend** 25-3.5-1007 as follows:

**25-3.5-1007. Evaluation of marijuana campaigns - report.**

(1) The department shall contract with a respected evaluation partner to develop and implement a three-year evaluation plan assessing the reach and impact of the eighteen-month public education and awareness campaign required pursuant to section 25-3.5-1003, AS IT EXISTED PRIOR TO ITS REPEAL IN 2016, and the ongoing prevention and education campaign required pursuant to section 25-3.5-1004. The evaluation ~~shall~~ MUST also assess the department's success in educating the citizens of the state regarding the legal parameters of the use of retail marijuana and preventing negative health impacts from the legalization of retail marijuana.

(2) ~~On or before March 1, 2015, and on or before November 1, 2015, the department shall provide a report to the members of the general assembly regarding the effectiveness of the eighteen-month public education and awareness campaign required pursuant to section 25-3.5-1003 and the ongoing prevention and education campaign required pursuant to section 25-3.5-1004.~~

**SECTION 85.** In Colorado Revised Statutes, 25-4-412, **amend** (4)(a)(IV) as follows:

**25-4-412. Public safety - public health procedures - orders for compliance - petitions - hearings.** (4) (a) (IV) An officer or employee of the state department or a local public health agency must not be examined in any judicial, legislative, executive, or other proceedings as to the existence or content of any individual's report, other than the respondent in a proceeding authorized by this section, made by such department or agency pursuant to this part 4; the existence of the content of the reports received pursuant to section 25-4-405; or the result of an investigation conducted pursuant to section ~~25-5-408~~ 25-4-408.

**SECTION 86.** In Colorado Revised Statutes, 25-4-1607, **amend** (1.5)(b) introductory portion as follows:

**25-4-1607. Fees - repeal.** (1.5) (b) ~~Except as provided in subparagraph (VI) of this paragraph (b);~~ Effective January 1, 2017, to December 31, 2017, each retail food establishment in this state shall be assessed an annual license fee as follows:

**SECTION 87.** In Colorado Revised Statutes, 25-4-2206, **amend** (5) as follows:

**25-4-2206. Health equity commission - creation - repeal.**

(5) This section is repealed, effective July SEPTEMBER 1, 2023. Prior to the repeal of this section, the commission is subject to review as provided in section 2-3-1203, C.R.S.

**SECTION 88.** In Colorado Revised Statutes, 25-8-308, **amend** (2) as follows:

**25-8-308. Additional authority and duties of division - penalties.**

(2) ~~All fees collected by the division shall be transmitted to the state treasurer for deposit to the credit of the water quality control fund created by section 25-8-502 and shall be subject to appropriation by the general assembly.~~ Except as provided in section 25-8-608, all fines and penalties for violations of this ~~article shall be~~ ARTICLE 8 MUST BE transmitted to the state treasurer for deposit to the credit of the general fund.

**SECTION 89.** In Colorado Revised Statutes, 25-8-502, **amend** (1.1)(c)(IV) introductory portion as follows:

**25-8-502. Application - definitions - fees - funds created - public participation - repeal.** (1.1) For each regulated activity listed in this subsection (1.1), the division may assess an annual permit fee and a nonrefundable permit application fee for new permits that must equal fifty percent of the annual permit fee. The full amount of the application fee is credited toward the annual permit fee. All such fees must be in accordance with the following schedules:

(c) The construction sector includes annual fee schedules for regulated activities associated with construction activities as follows:

(IV) The division shall use the revenue generated by the fees ~~contained in sub-subparagraphs (G), (H), (I), (J), and (K) of subparagraph (H) of this paragraph (c) and subparagraphs (I) and (II) of this paragraph (c)~~ SET FORTH IN SUBSECTIONS (1.1)(c)(II)(G) TO (1.1)(c)(II)(K) AND (1.1)(c)(III) OF THIS SECTION to continue to fund the administration and oversight of the construction sector and shall use the increased revenue, when compared with the revenue generated by the fees contained in subcategories 2, 8, 9A, and 9B of sub-subparagraph (G) and sub-subparagraphs (H), (I), (J), and (L) of subparagraph (I) of paragraph (b) of subsection (1) of this section as they existed on June 30, 2016, 2015,

to fund new services provided under the alternative compliance assurance model. The division shall not use the increased revenue to fund additional enforcement staff. The division may use the increased revenue for the following purposes:

**SECTION 90.** In Colorado Revised Statutes, 25-8-608.7, **repeal** (2)(e) as follows:

**25-8-608.7. Natural disaster grant fund - creation - rules.**  
(2) (e) ~~On September 1, 2015, the state treasurer shall transfer any unencumbered moneys remaining in the fund to the nutrients grant fund created in section 25-8-608.5.~~

**SECTION 91.** In Colorado Revised Statutes, **amend** 25-9-101 as follows:

**25-9-101. Legislative declaration.** To assure adequate operation of water and wastewater facilities, and to preserve the public peace, health, and safety, ~~the provisions of this article~~ ARTICLE 9 and any rules authorized pursuant thereto are enacted to provide for the examination, classification, and certification of water and wastewater facility operators and to establish minimum standards therefor based upon their knowledge and experience, to provide procedures for certification, to encourage vocational CAREER AND TECHNICAL education for such operators, to provide a penalty for the wrongful use of the title "certified operator", to require each water and wastewater facility to be under the supervision of a certified operator, to provide for the classification of all water and wastewater facilities in the state, and to provide a penalty for the operation of a water or wastewater facility without supervision of a certified operator.

**SECTION 92.** In Colorado Revised Statutes, 25.5-5-202, **repeal** (1)(s)(II) as follows:

**25.5-5-202. Basic services for the categorically needy - optional services.** (1) Subject to the provisions of subsection (2) of this section, the following are services for which federal financial participation is available and which Colorado has selected to provide as optional services under the medical assistance program:

(s) (II) ~~On or before March 31, 2011, pursuant to section~~



~~25.5-5-313 (2), if the legislative audit committee adopts a resolution finding that providing outpatient substance abuse treatment has resulted in an overall increase in costs to the medical assistance program, this paragraph (s) is repealed, effective July 1, 2011.~~

**SECTION 93.** In Colorado Revised Statutes, 25.5-10-226, **amend** (4) as follows:

**25.5-10-226. Records and confidentiality of information pertaining to eligible persons or their families.** (4) Nothing in this section shall be construed to interfere with the protections afforded to a person under the federal "Health Insurance Portability and Accountability Act of 1996", 42 U.S.C. sec. 1320d, and the federal "Family Education EDUCATIONAL Rights and Privacy Act of 1974", 20 U.S.C. sec. 1232g.

**SECTION 94.** In Colorado Revised Statutes, 26-2-111.8, **amend** (3.5) as follows:

**26-2-111.8. Eligibility of noncitizens for public assistance.** (3.5) For benefits provided on and after ~~the effective date of this subsection (3.5)~~ JANUARY 1, 2014, the state department may pursue repayment from the qualified alien's sponsor for old age pension benefits provided to the qualified alien during the time that the sponsorship affidavit of support is in effect as determined by United States citizenship and immigration services, or its successor agency.

**SECTION 95.** In Colorado Revised Statutes, 26-2-712, **amend** (4)(a) as follows:

**26-2-712. State department duties - authority.** (4) **Performance measurements.** (a) The state department shall develop performance goals and a formula for measuring a county's progress toward meeting such performance goals in administering and implementing the works program with county block grants. The state department shall provide data gathered on behalf of each county to the general assembly on a quarterly basis regarding employment- and training-related performance measures for the works program. Such data ~~shall~~ **MUST** include wages earned by works program participants upon leaving the program, job retention rates, and other related information. Such data ~~shall~~ **MUST** be provided through the state department's computerized systems, if available. Counties ~~shall not be~~

ARE NOT required to provide additional manual or computerized systems to gather such data. The state department shall work with the state work force development council to gather data on works program participants who participate in training and job placement programs offered by work force development boards and the result of such participation. ~~Such data shall be provided to the state auditor's office on at least an annual basis as a part of the works program audit pursuant to section 26-2-723.~~

**SECTION 96.** In Colorado Revised Statutes, 26-2-714.5, **amend** (3) and (5) as follows:

**26-2-714.5. Adjusted work participation rate - notification - county authorization - career and technical education.** (3) Each county is authorized to place participants in ~~vocational~~ CAREER AND TECHNICAL education, as that term is defined by rule of the state board, for longer than twelve months in order to meet critical skills shortages in the labor market; except that the percentage of participants allowed to satisfy program requirements through ~~vocational~~ CAREER AND TECHNICAL education of longer than twelve months in a county shall not exceed seventy-five percent of the state's estimate of the federal credit.

(5) The state department may suspend a county's ability to place participants in ~~vocational~~ CAREER AND TECHNICAL education for longer than twelve months if the state department certifies that allowing ~~vocational~~ CAREER AND TECHNICAL education to count toward a works participant's required work activities would affect the state's ability to meet federal work participation rates.

**SECTION 97.** In Colorado Revised Statutes, 26-2-1003, **amend** (5) as follows:

**26-2-1003. Definitions.** As used in this part 10, unless the context otherwise requires:

(5) "Service provider" means an institution of higher education; a provider of occupational or ~~vocational~~ CAREER AND TECHNICAL education; a trade school; a bank, savings and loan, or other mortgage lender; a title company; or the lessor or vendor of any office supplies, office equipment, retail space or office space or other business space, or such other provider of goods or services to be used for the commencement of a business.

**SECTION 98.** In Colorado Revised Statutes, **repeal** 26-6.5-110 as follows:

**26-6.5-110. Analysis of child care assistance program policies and procedures - reporting.** ~~(1) Beginning in fiscal year 2007-08, the office of the state auditor shall conduct a performance audit of the use of moneys from the child care assistance program created in part 8 of article 2 of this title.~~

~~(2) The performance audit by the office of the state auditor conducted pursuant to this section shall include but need not be limited to an assessment of state and county policies and procedures related to child care assistance program moneys, the use of temporary assistance for needy family child care transfers and reserves, provider payments and reimbursement rates, parental co-payments, and eligibility.~~

~~(3) Based on the findings and conclusions identified during the performance audit conducted pursuant to this section, the office of the state auditor shall make recommendations to the state department for improving the efficiency and effectiveness of the child care assistance program. On or before December 30, 2008, the office of the state auditor shall submit the findings, conclusions, and recommendations from the performance audit in the form of a written report to the legislative audit committee, which shall hold a public hearing for the purposes of a review of the report. The report shall also be submitted to the health and human services and education committees of the house of representatives and the senate, or any successor committees.~~

**SECTION 99.** In Colorado Revised Statutes, 26-11.5-114, **amend** (4) as follows:

**26-11.5-114. Stakeholder process - state PACE ombudsman - reporting.** (4) The state department shall report on the work of the stakeholder group to the joint budget committee and to the state department's legislative committee of reference as part of the agency's annual presentation pursuant to section ~~2-7-103, C.R.S.~~ 2-7-203 made during the interim prior to the start of the 2017 legislative session.

**SECTION 100.** In Colorado Revised Statutes, **amend** 29-1-502 as follows:

**29-1-502. Definitions.** As used in this part 5, unless the context otherwise requires:

~~(1) "Auditor" means the state auditor.~~

(2) (1) "Local government" means any authority, county, municipality, city and county, district, or other political subdivision of the state of Colorado, any institution, department, agency, or authority of any of the foregoing, including any county or municipal housing authority; and any other entity, organization, or corporation formed by intergovernmental agreement or other contract between or among any of the foregoing. Effective January 1, 1990, the office of the county public trustee shall be deemed an agency of the county for the purposes of this part 5. "Local government" does not include the fire and police pension association, any public entity insurance pool formed pursuant to state law, the university of Colorado hospital authority created in section 23-21-503, C.R.S., or any association of political subdivisions formed pursuant to section 29-1-401.

**SECTION 101.** In Colorado Revised Statutes, 29-1-503, **amend** (1) as follows:

**29-1-503. Appointment of advisory committee - powers and duties.** (1) The governor, with the advice and consent of the senate, shall appoint an advisory committee on governmental accounting to assist the STATE auditor in formulating and prescribing a classification of accounts which ~~shall consist~~ ADVISORY COMMITTEE CONSISTS of six members, one of whom ~~shall~~ MUST be a member of the Colorado society of certified public accountants and the remaining five of whom ~~shall~~ MUST be active in finance matters either as elected officials or finance officers employed by a unit of local government as defined in section 29-1-502 and each of whom shall represent one of the following levels of local government: Counties, cities and counties, cities and towns, school districts and junior college districts, and local improvement or special service districts and other local entities having authority under the general laws of this state to levy taxes or impose assessments.

**SECTION 102.** In Colorado Revised Statutes, **amend** 29-1-504 as follows:

**29-1-504. State auditor - powers and duties.** (1) The STATE

auditor shall formulate, prescribe, and publish a classification of accounts with the approval of the advisory committee on governmental accounting which shall be uniform for every level of local government as defined in section 29-1-502; except that each level of government may be classified according to population, and, in that event, each classification of accounts shall be uniform within each class; and except that the classification of accounts prescribed for the purpose of public schools shall be subject to the approval of the state board of education; and further except that the classification of accounts prescribed for the purpose of junior college districts shall be subject to the approval of the state board for community colleges and occupational education.

(2) Upon completion of the classification of accounts for each level of government, the STATE auditor shall distribute the published copies of the classification of accounts promulgated by ~~his~~ THE STATE AUDITOR'S office to each unit of local government defined in section 29-1-502 and may distribute such copies to other interested parties. Any amendments or alterations to the original published copies ~~shall~~ MUST also be distributed to each unit of local government in the same manner.

(3) Upon request of the local government officials, the STATE auditor shall assist local government officials in implementing the classification of accounts promulgated ~~under the provisions of~~ PURSUANT TO this section. Any travel and subsistence expense incurred by the STATE auditor in performing ~~such~~ THE requests ~~shall~~ MUST be paid by the local government.

(4) In accordance with ~~the provisions of~~ subsection (1) of this section, the STATE auditor shall formulate classifications of inventory accounts for local governments; such accounts shall be required to be kept only with respect to items of property having an original cost that equals or exceeds an amount established by the governing body of each local government, unless such items having a value of less than the amount established by such governing body are required to be inventoried by directive of the state auditor. In no event shall the amount established by the governing body of any local government pursuant to this subsection (4) exceed the amount specified in rules promulgated by the state controller pursuant to section 24-30-202, ~~C.R.S.~~, regarding inventory accounts for items of state property.

**SECTION 103.** In Colorado Revised Statutes, 29-1-607, **amend** (1) and (2) as follows:

**29-1-607. Duties of state auditor.** (1) The state auditor shall examine all reports submitted to him OR HER to determine whether the provisions of this part 6 have been complied with. If the state auditor finds that they have not been complied with, ~~he~~ THE STATE AUDITOR shall notify the governing body of the local government and the auditor who submitted ~~said~~ THE audit report by submitting to them a statement of deficiencies. If the deficiencies are not corrected within ninety days from the date of the statement of deficiencies or within twelve months after the end of the fiscal year of the local government, whichever is later, the state auditor shall proceed in the same manner as provided in section 29-1-606 (5) as though no report had been filed.

(2) If the state auditor, in examining any audit report, finds an indication of violation of state law, ~~he~~ THE STATE AUDITOR shall, after making such investigation as ~~he~~ THE STATE AUDITOR deems necessary, consult with the attorney general, and if after such investigation and consultation ~~he~~ THE STATE AUDITOR has reason to believe that there has been a violation of state law on the part of any person, ~~he~~ THE STATE AUDITOR shall certify the facts to the district attorney of the judicial district in which the alleged violation occurred who shall cause appropriate proceedings to be brought.

**SECTION 104.** In Colorado Revised Statutes, 29-22.5-102, **amend** the introductory portion and (1) as follows:

**29-22.5-102. Definitions.** As used in this ~~article~~ ARTICLE 22.5, unless the context otherwise requires:

(1) "Director" means the director of the division of fire ~~safety~~ PREVENTION and control.

**SECTION 105.** In Colorado Revised Statutes, 32-14-109, **amend** (2)(a) as follows:

**32-14-109. Records of board - audits - legislative oversight - powers and duties of state auditor.** (2) (a) In addition to the audit authorized in subsection (1) of this section, upon the affirmative vote of a

majority of the members of the legislative audit committee created pursuant to section 2-3-101, ~~C.R.S.~~; it ~~shall be~~ IS the duty of the state auditor to conduct or cause to be conducted audits of the district. The state auditor shall prepare for the committee a report and shall make recommendations on such audit and shall include a copy of or the substance of such report in ~~his~~ THE annual report made pursuant to ~~the provisions of~~ section 2-3-103 (2). ~~C.R.S.~~

**SECTION 106.** In Colorado Revised Statutes, 35-1-104, **repeal** (1)(ee) as follows:

**35-1-104. Functions, powers, and duties.** (1) The department has and shall exercise the following functions, powers, and duties:

~~(ee) To receive submissions of information as specified in section 24-33-112, C.R.S., from organizations that accept donations of conservation easements in gross for which a state income tax credit is claimed and to make the information available to the public upon request.~~

**SECTION 107.** In Colorado Revised Statutes, 38-13-116.5, **amend** (1)(b) as follows:

**38-13-116.5. Unclaimed property trust fund - creation - payments - interest - appropriations - records - rules.** (1) (b) Except as provided in subsections (2) ~~(2.7), and (2.9)~~ AND (2.7) of this section, the principal of the trust fund shall not be expended except to pay claims made pursuant to this ~~article~~ ARTICLE 13. ~~Moneys~~ MONEY comprising the principal of the trust fund shall not constitute fiscal year spending of the state for purposes of section 20 of article X of the state constitution and ~~are~~ IS not subject to appropriation by the general assembly.

**SECTION 108.** In Colorado Revised Statutes, 39-22-522, **amend** (3)(f) introductory portion; and **repeal** (3)(f)(I) as follows:

**39-22-522. Credit against tax - conservation easements.** (3) For conservation easements donated prior to January 1, 2014, in order for any taxpayer to qualify for the credit provided for in subsection (2) of this section, the taxpayer shall submit the following in a form approved by the executive director to the department of revenue at the same time as the taxpayer files a return for the taxable year in which the credit is claimed:

(f) If the holder of the conservation easement is an organization to which the certification program in section 12-61-724 C.R.S., applies, a sworn affidavit from the holder of the conservation easement in gross that includes the following:

(I) ~~An acknowledgment that the holder has filed the information with the department of revenue and the division of real estate in accordance with section 24-33-112, C.R.S.;~~

**SECTION 109.** In Colorado Revised Statutes, 39-22-1001, **amend** (5) introductory portion and (5)(b)(I)(A) as follows:

**39-22-1001. Limitation on the duration of voluntary contribution programs - queue - notice - reestablishment of certain programs - repeal.** (5) Every voluntary contribution established in this ~~article~~ ARTICLE 22 must receive a minimum dollar amount of contributions in each income tax year as follows:

(b) (I) (A) ~~Notwithstanding paragraph (a) of this subsection (5) SUBSECTION (5)(a) OF THIS SECTION,~~ for any voluntary contribution that appears on Colorado income tax returns for the first time in the 2002 income tax year or any income tax year thereafter, the amount designated on Colorado income tax returns as contributed under any voluntary contribution established in this ~~article shall~~ ARTICLE 22 MUST equal or exceed ~~seventy-five~~ FIFTY thousand dollars according to the records of the department of revenue during the January 1 through September 30 period for which moneys are collected for the third income tax year in which the voluntary contribution appears on Colorado income tax returns. Any such voluntary contribution shall not be required to collect ~~seventy-five~~ FIFTY thousand dollars in either the first or the second year that it appears on Colorado income tax returns.

**SECTION 110.** In Colorado Revised Statutes, 40-2-123, **repeal** (2)(k) as follows:

**40-2-123. New energy technologies - consideration by commission - incentives - demonstration projects - definitions - legislative declaration.** (2) (k) ~~To encourage advanced coal technology, which should lead to lower emissions and other environmental benefits compared to conventional coal-fired generation, financial support for the~~



~~study, engineering, and development of an IGCC facility shall be appropriated from the clean energy development fund created in section 24-22-118, C.R.S. The utility shall report to the commission the results of its study, irrespective of whether the utility files an application with the commission under paragraph (c) of this subsection (2).~~

**SECTION 111.** In Colorado Revised Statutes, 40-17-103, **amend** (2)(d) as follows:

**40-17-103. Commission - powers and duties - rules.** (2) The commission shall adopt rules for the implementation of this article. The rules shall:

(d) Specify the types of calls that are included as telecommunications relay services, specifically requiring that the costs of any long-distance service or any other service that is not a basic local exchange service be borne by the ~~disabled~~ telephone user WITH DISABILITIES.

**SECTION 112.** In Colorado Revised Statutes, 42-4-1701, **amend** (4)(a)(I) introductory portion, (4)(a)(I)(N), and (4)(f)(III) as follows:

**42-4-1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule - repeal.** (4) (a) (I) Except as provided in ~~paragraph (c) of subsection (5)~~ SUBSECTION (5)(c) of this section, every person who is convicted of, who admits liability for, or against whom a judgment is entered for a violation of any provision of this title to which ~~paragraph (a) or (b) of subsection (5)~~ SUBSECTION (5)(a) OR (5)(b) of this section apply shall be fined or penalized, and have a surcharge levied in accordance with sections 24-4.1-119 (1)(f) and 24-4.2-104 (1)(b)(I), ~~C.R.S.~~, in accordance with the penalty and surcharge schedule set forth in ~~sub-subparagraphs (A) to (P) of this subparagraph (f)~~ SUBSECTIONS (4)(a)(I)(A) TO (4)(a)(I)(P) OF THIS SECTION; or, if no penalty or surcharge is specified in the schedule, the penalty for class A and class B traffic infractions is fifteen dollars, and the surcharge is four dollars. These penalties and surcharges apply whether the defendant acknowledges the defendant's guilt or liability in accordance with the procedure set forth by ~~paragraph (a) of subsection (5)~~ SUBSECTION (5)(a) of this section, is found guilty by a court of competent jurisdiction, or has judgment entered against the defendant by a county court magistrate. Penalties and surcharges for

violating specific sections are as follows:

Section Violated	Penalty	Surcharge
<b>(N) Other offenses:</b>		
42-4-1301 (2)(d)	\$ 100.00	\$ 16.00
42-4-1305	50.00	16.00
<i>42-4-1305.5 (2)</i>	<i>50.00</i>	<i>7.80</i>
42-4-1402	150.00	16.00
42-4-1403	30.00	6.00
42-4-1404	15.00	6.00
42-4-1406	35.00	10.00
42-4-1407 (3)(a)	35.00	10.00
42-4-1407 (3)(b)	100.00	30.00
42-4-1407 (3)(c)	500.00	200.00
42-4-314	35.00	10.00
42-4-1408	15.00	6.00
42-4-1414 (2)(a)	500.00	156.00
42-4-1414 (2)(b)	1,000.00	312.00
42-4-1414 (2)(c)	5,000.00	1,560.00
42-4-1416 (3)	75.00	4.00
42-20-109 (2)	250.00	66.00

(f) (III) This paragraph (f) is repealed, effective ~~July 1, 2016~~ SEPTEMBER 1, 2025, unless the general assembly extends the repeal of the rural alcohol and substance abuse prevention and treatment program created in section 27-80-117. ~~C.R.S.~~

**SECTION 113.** In Colorado Revised Statutes, **amend** 42-5-113 as follows:

**42-5-113. Colorado auto theft prevention cash fund - audit.** Beginning in the 2008-09 fiscal year, and every five years thereafter, the state auditor shall cause an audit to be made of the Colorado auto theft prevention cash fund created in section 42-5-112 (4) to include procedures to test distributions from the fund for compliance with program requirements and guidelines. The STATE auditor shall review a sample of distributions and expenditures from the Colorado auto theft prevention cash fund for the purposes described in section 42-5-112. The state auditor shall

prepare a report of each audit conducted and file the report with the audit committee of the general assembly. Following the release of the audit report, the state auditor shall file the audit report with the judiciary committees of the house of representatives and the senate, or any successor committees.

**SECTION 114.** In Colorado Revised Statutes, 43-1-123, **amend** (4) as follows:

**43-1-123. Project closure and project reporting requirements.** (4) On or after July 1, 2016, and on ~~and~~ OR after July 1 of each year thereafter, the department shall report to the transportation legislation review committee created in section 43-2-145 (1) regarding all policy amendments made to the statewide transportation improvement plan that were adopted during the most recently ended fiscal year and that added or deleted a project from the plan or modified the funding priority of any project included in the plan. The report shall include an explanation of the reasons for each reported policy amendment.

**SECTION 115.** In Colorado Revised Statutes, 12-42.5-102, **amend** (42)(b)(XII) as follows:

**12-42.5-102. Definitions.** (42) (b) "Wholesale distribution" does not include:

(XII) The sale or transfer of compounded drugs compounded by a retail pharmacy as defined in subsection (7) of this section and as authorized by section ~~12-42.5-119 (6) (b)~~ 12-42.5-118 (6)(b);

**SECTION 116.** In Colorado Revised Statutes, 12-43.3-306, **amend** (1) as follows:

**12-43.3-306. Denial of application.** (1) The state licensing authority shall deny a state license if the premises on which the applicant proposes to conduct its business does not meet the requirements of this article or for reasons set forth in section ~~12-43.3-104 (1)(c)~~ 12-43.3-104 (1.3)(c) or 12-43.3-305, and the state licensing authority may deny a license for good cause as defined by section ~~12-43.3-104 (1)(a) or (1)(b)~~ 12-43.3-104 (1.3)(a) OR (1.3)(b).

**SECTION 117.** In Colorado Revised Statutes, 6-23-102, **amend as added by House Bill 17-1115 (2)** as follows:

**6-23-102. Direct primary care - not regulated by the division of insurance.** (2) Direct primary care providers and direct primary care agreements that comply with this ~~article~~ **ARTICLE 23** shall not be considered to be a health maintenance organization, insurer, insurance producer, or insurance and are not subject to title 10.

**SECTION 118.** In Colorado Revised Statutes, 43-4-1001, **amend as repealed and reenacted by Senate Bill 17-153 (2)(a)(II)** introductory portion as follows:

**43-4-1001. Southwest chief and front range passenger rail service in Colorado - commission - membership and powers - definitions.** (2) (a) The southwest chief and front range passenger rail commission is created in the department of transportation. The commission shall exercise its powers and perform its duties as if the same were transferred to the department by a **type 1** transfer, as defined in section 24-1-105. The commission consists of the following eleven commissioners:

(II) One commissioner from each of the following metropolitan planning organizations, as defined in section 43-1-1102 (4), and regional planning commissions, as defined in section ~~43-4-1102(5)~~ 43-1-1102 (5), appointed by the governing body of each organization or commission:

**SECTION 119.** In Colorado Revised Statutes, 39-22-538, **amend (2)(e)** as follows:

**39-22-538. Credit for health care preceptors working in health professional shortage areas - legislative declaration - definitions - repeal.** (2) As used in this section, unless the context otherwise requires:

(e) "Preceptorship" means an uncompensated mentoring experience in which a preceptor provides a program of personalized instruction, training, and supervision for a total of not less than four weeks per calendar year that is offered to ~~an eligible graduate student~~ **STUDENTS** to enable the ~~student~~ **STUDENTS** to obtain ~~an eligible professional degree~~ **DEGREES**.

**SECTION 120.** In Colorado Revised Statutes, **amend as added by**

**Senate Bill 17-117 37-92-311 as follows:**

**37-92-311. Industrial hemp cultivation allowed under an agricultural water right.** ~~(1) As used in this section, unless the context otherwise requires, "industrial hemp" has the meaning set forth in section 35-61-101(7).~~

(2) A person with an absolute or conditional water right decreed for agricultural use may use the water subject to the agricultural water right for any product authorized for growth and cultivation by title 35.

**SECTION 121.** In Senate Bill 17-132, **amend as added by Senate Bill 17-117** Section 8 (1) as follows:

**Section 8. Act subject to petition - effective date - applicability.**  
(1) This act takes effect at ~~12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017)~~ **JULY 1, 2018**; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

**SECTION 122. Effective date.** (1) Except as otherwise provided in this section, this act takes effect upon passage.

(2) Section 19 of this act takes effect only if Senate Bill 17-215 does not become law.

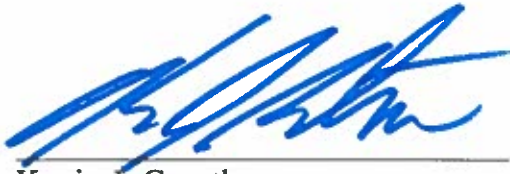
(3) Section 99 of this act takes effect only if House Bill 17-1264 does not become law.

(4) Section 117 of this act takes effect only if House Bill 17-1115 becomes law, in which case this section takes effect upon the effective date of House Bill 17-1115.

(5) Section 118 of this act takes effect only if Senate Bill 17-153

becomes law, in which case this section takes effect upon the effective date of Senate Bill 17-153.

**SECTION 123. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



Kevin J. Grantham  
PRESIDENT OF  
THE SENATE



Crisanta Duran  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES



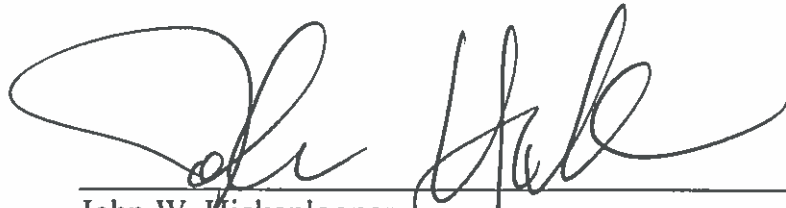
Effie Ameen  
SECRETARY OF  
THE SENATE



Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED

2:33 PM 5/25/17



John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO

## APPENDIX

C.R.S. Section	Section in bill	Reason
2-3-102	1	Changes gender-specific pronouns that refer to the state auditor to the position title, and amends language to clarify provisions pertaining to the state auditor. (See section 5.8.3 of the Colorado Legislative Drafting Manual, Revised 1/17/2017 and section 2-5-104, C.R.S. 2016.)
2-3-103 (1.5)(a), (2), (4), and (5)	2	See section 2-3-102.
2-3-107 (3)	3	See section 2-3-102.
2-3-109	4	See section 2-3-102.
8-12-112	5	Section 23-8-105 instructs the Revisor of Statutes to change all statutory references from "vocational education" to "career and technical education" as appropriate. (See section 23-8-105, C.R.S. 2016 and HB08-1079, chapter 101, page 311.)
8-43-316	6	House Bill 98-1311 changed the defined phrase of "closely held corporation" to "closely held entity". The conforming amendment in this provision was not included in the bill. (See section 13-1-127 (1)(a), C.R.S. 2016 and HB98-1311, chapter 166, page 489.)
8-45-121 (2)	7	The one-time performance audit requirement in subsection (2) was completed in May of 2010; therefore, the performance audit requirement is being repealed as obsolete. (To view the audit, contact the State Auditor's Office.)
8-47-101 (3)(a), (3)(c), and (5)	8	Changes the name of the division of labor standards and statistics to the division of labor to preserve the historical significance of the section and to accurately reflect the name of the division as it was prior to July 1, 1991. (See section 8-47-101, C.R.S. 2015 and HB16-1323, chapter 131, page 379.)
8-84-303 (7)(a)	9	Corrects an internal reference to the section requiring departmental presentations to legislative committees of reference. (See SB16-077, chapter 360, page 1502.)
10-22-109 (1)(c)	10	This provision became inoperative upon the repeal of section 38-13-116.5 (2.9), effective July 1, 2014; therefore, it is being repealed as obsolete. (See HB13-1245, chapter 258, page 1364.)

C.R.S. Section	Section in bill	Reason
11-35-101 (1)	11	Repeals an internal reference to a provision that no longer exists and to a provision that has been repealed. Section 12-5.5-202 (2)(b) no longer exists as it was not reenacted when article 5.5 of title 12 was recreated and reenacted in 2013. Section 12-60-509 (2.5) was repealed in 2014. (See SB13-238, chapter 401, page 2341 and HB14-1146, chapter 25, page 161.)
12-35-128.5 (1)(b)	12	Section 12-35-128.3, prior to its repeal on December 31, 2016, established the Interim Therapeutic Restorations Advisory Committee to develop uniform standards for the consistent training of dental hygienists who perform interim therapeutic restorations. The committee developed and recommended the standards to the Colorado Dental Board on December 3, 2015, and the recommendations were adopted by the board as Rule XXV on April 28, 2016. Due to the repeal of section 12-35-128.3 and the adoption of the committee's standards as Rule XXV, language referencing the repealed section and the committee's directive to develop a standard is being replaced with language that references the rule adopted by the board. (See the Colorado Department of Regulatory Agencies overview of HB15-1309 at <a href="http://www.colorado.gov/pacific/dora/Dental_News">www.colorado.gov/pacific/dora/Dental_News</a> , the Code of Colorado Regulations, 3 CCR 709-1, and HB15-1309, chapter 326, page 1331.)
12-35.5-111 IP(1)(q) and (1)(q)(III)	13	Repeals a defined term that is not used in the paragraph for which it is defined. (See HB16-1320, chapter 265, page 1099.)
12-36-123.5 (3.5)(f)	14	The one-time monetary distribution required by this provision was to have been completed no later than June 30, 1994; therefore, this provision is being repealed as obsolete. (See HB13-1191, chapter 186, page 754.)
12-37.3-102 (7)	15	Corrects the name of the Homeopathic Pharmacopoeia of the United States/Revision Service. (See the Service's website at <a href="http://www.hpus.com/what-is-the-hpus.php">http://www.hpus.com/what-is-the-hpus.php</a> ).
12-43-218 IP(2)(d)(V) and (2)(d)(V)(B)	16	Corrects the name of a federal act. (See Pub.L. 93-380, 88 Stat. 574.)
12-61-105 (1)	17	Repeals internal references to part 3 of article 61 of title 12 due to the repeal of the part, effective August 26, 2013. (See the editor's note following part 3 of article 61 of title 12, C.R.S. 2016 and HB05-1264, chapter 177, page 623.)



<b>C.R.S. Section</b>	<b>Section in bill</b>	<b>Reason</b>
12-61-106	18	See section 12-61-105 (1).
12-61-110 IP(4)(a)	19	Repeals internal references and text associated with section 12-61-110.8 due to the section's repeal, effective July 1, 2008. (See section 12-61-110.8 (3), C.R.S. 2007 and SB05-013, chapter 291, pages 1290 and 1291.)
12-61-111.5 (1) and (2)(a)(1)	20	See section 12-61-105 (1).
12-61-112 (1)	21	See section 12-61-105 (1).
12-61-113 (1)(s)(II)	22	See section 12-61-105 (1).
12-61-114 (4)	23	See section 12-61-105 (1).
12-61-121	24	See section 12-61-105 (1).
12-61-122	25	See section 12-61-105 (1).
12-61-1001 (3)(b)	26	House Bill 15-1343 and SB15-209 amended the definition of a "common interest community". The amendments were harmonized and the definition was relocated to subsection (3) from subsection (2) of this section; however, the conforming amendment changing the internal reference within the definition to "this subsection(3)" was not made. (See HB15-1343, chapter 216, page 788 and SB15-209, chapter 290, page 1186.)
13-80-101 (1)(c)	27	Conforming amendment to section 13-80-103 (1)(g).
13-80-103 (1)(g)	28	See section 12-61-105 (1).
14-10-115 (3)(f) and (3)(g)	29	See section 8-12-112.
14-10-122 (1.5)(d)(1)(A) and (1.5)(i)	30	Senate Bill 13-280 relocated the definition of "authorized agent" from section 42-6-102 (1) to 42-6-102 (1.5); however, the conforming amendment reflecting the relocation was not made. (See SB13-280, chapter 407, page 2378.)
15-14-736 (1)(d)	31	See section 8-12-112.
15-16-913 IP(3)(a)	32	Corrects an internal reference to the secondary trust restrictions located in section 15-16-911 (3)(b). This corrects an error originating in the introduced version of SB16-085. (See SB16-085, chapter 228, page 881.)

<b>C.R.S. Section</b>	<b>Section in bill</b>	<b>Reason</b>
15-18.5-103 (4)(c)(II)	33	Corrects internal references to the proxy decision-maker provisions. This fixes an error in House second reading floor amendment 2, which amends the House Health, Insurance, & Environment committee report. (See the 2016 House Journal for March 24, page 567 and HB16-1101, chapter 170, page 537.)
16-11-206 (1)	34	Corrects an internal reference to the section requiring a court to provide certain information to a defendant either upon the defendant's first court appearance or upon arraignment. (See SB72-044, chapter 44, pages 221, 222, and 245.)
16-18.5-104 (5)(c)(I)	35	See section 14-10-122 (1.5)(d)(I)(A) and (1.5)(i).
17-24-106.6 (4) and (5)	36	Section 24-50.3-106 instructs the Revisor of Statutes to change all statutory references from "department of administration" to "department of personnel."
18-1-711 (3)(a)	37	An amendment to section 18-18-403.5 (2) by SB13-250 struck language that resulted in the removal of many of the subsection's subdivisions. To reflect the changes made by the amendment, an internal reference is being updated. (See SB13-250, chapter 333, page 1902.)
18-1.3-301 (1)(g.5)	38	Corrects an internal reference to the section requiring a court to consider all sentencing options in certain level 4 drug felony cases. (See SB13-250, chapter 333, page 1902.)
18-12-206 (3)(b)(II)	39	The one-time performance audit requirement in subsection (3)(b)(II) was completed in November of 2010; therefore, the performance audit requirement is being repealed as obsolete. (To view the audit, contact the State Auditor's Office.)
18-19-103.5 (4)	40	The repeal of this section is designed to take place at the same time as section 27-80-117; therefore, because the repeal date of section 27-80-117 was extended to September 1, 2025, the repeal date of this section is being extended to September 1, 2025. (See HB16-1168, chapter 93, page 261.)
19-3-205 (2)(a)(II)	41	See section 8-12-112.
22-5-106 (1)(b)	42	See section 8-12-112.
22-5-119 (8)	43	See 12-43-218 (2)(d)(V)(B).
22-7-1016.5 (5)	44	See 12-43-218 (2)(d)(V)(B).

C.R.S. Section	Section in bill	Reason
22-20-109 (2)(b)	45	Amends this provision to include a conforming amendment necessitated by the enactment of SB13-260. The bill modified the provisions governing the funding of public schools. (See SB13-260, chapter 236, page 1138.)
22-20-118 (1)(c)(III)	46	See 12-43-218 (2)(d)(V)(B).
22-32-109.1 (6)	47	See 12-43-218 (2)(d)(V)(B).
22-33-106 (1.5)	48	Changes an internal reference to reflect the relocation of a provision of the United States Code. (See Pub.L. 114-95, 129 Stat. 166.)
22-33-201.5 (1)(c)	49	See section 8-12-112.
22-43.7-111 (3)	50	The one-time performance audit requirement in subsection (3) was completed in October of 2013; therefore, the performance audit requirement is being repealed as obsolete. (To view the audit, contact the State Auditor's Office.)
22-51-101	51	See section 8-12-112.
22-51-102 IP, (1)(a), and (3)(a)	52	See section 8-12-112.
22-54-107 (3)	53	See section 8-12-112.
23-1-108 (1)(b)	54	See section 8-12-112.
23-1-119.3 (5) and (6)	55	See 12-43-218 (2)(d)(V)(B).
23-3-101	56	See section 8-12-112.
23-3-102	57	See section 8-12-112.
23-5-112 (3)	58	See section 2-3-102.
23-5-131 (6)	59	Due to the repeal of section 23-5-130.5, effective July 1, 2016, subsection (6) became inoperative and is being repealed. (See section 23-5-130.5 (5), C.R.S. 2015 and SB10-003, chapter 391, page 1837.)
23-7-103.5 IP(2)(a) and (2)(a)(II)	60	Clarifies that an <i>unaccompanied youth at risk of homelessness</i> is not homeless. This corrects an error in House second reading floor amendment 2 to HB16-1100. (See the 2016 House Journal for March 15, page 461 and HB16-1100, chapter 169, page 535.)
23-60-102 (1)	61	See section 8-12-112.

C.R.S. Section	Section in bill	Reason
23-60-103 (2)	62	See section 8-12-112.
23-60-306 (5)	63	See section 8-12-112.
23-60-307 (6)	64	See section 8-12-112.
23-75-105 (1)	65	<ul style="list-style-type: none"> <li>• See section 8-84-303 (7)(a).</li> <li>• See SB16-196, chapter 226, page 865.</li> </ul>
24-1-136 (11)(a)(II)	66	Repeals an inoperative provision.
24-16-107	67	See section 2-3-102.
24-21-116 (2)(c) and (6)	68	Corrects an internal reference to the provision creating the Business Intelligence Center Program and to the provision addressing public contests overseen by the program. (See HB16-1014, chapter 318, page 1282.)
24-30-1513	69	See section 2-3-102.
24-33-108 (3)	70	See section 2-3-102.
24-34-110 (3)(a)(XX)	71	Article 43.5 of title 12, as added by HB12-1303, was renumbered to article 43.7 prior to the publication of the Colorado Revised Statutes 2012. The internal reference in this provision, which was also added by HB12-1303, was not updated to reflect the renumbering. (See HB-12-1303, chapter 263, pages 1360 and 1376.)
24-46-206	72	The one-time audit requirement in this section was completed in February of 2007; therefore, the audit requirement is being repealed as obsolete. (To view the audit, contact the State Auditor's Office.)
24-48.5-301 (2)(a)(III)	73	Senate Bill 10-158 repealed the <i>works of art in public places fund</i> formerly described in section 12-48.5-312 (7) and replaced the fund with the <i>creative industries cash fund</i> created in section 24-48.5-301 (2); therefore, references to the <i>works of art in public places fund</i> are being changed to the <i>creative industries cash fund</i> . (See SB10-158, chapter 231, page 1006 and section 24-48.5-312 (7)(e), C.R.S. 2010.)
24-48.5-312 (3)(c)	74	See section 24-48.5-301 (2)(a)(III).
24-51-614	75	Subsections (1) and (2) reference a completed 2001 study and subsections (4) to (8) reference two separate one-time studies that were completed in July and October of 2015; therefore, as all the requirements in this section have been met, this section is being repealed as obsolete. (To view the studies, contact the State Auditor's Office.)

<b>C.R.S. Section</b>	<b>Section in bill</b>	<b>Reason</b>
24-72-204 IP(3)(d), (3)(d)(III) and IP(3)(e)(I)	76	See 12-43-218 (2)(d)(V)(B).
24-75-201.1 IP(1)(d) and (1)(d)(XVII)	77	Corrects an internal reference to the reserve created to house all tax revenue generated by article 29 of title 39. This corrects an error originating in the introduced version of SB16-218. (See SB16-218, chapter 289, page 1172.)
24-75-1104.5 (3)	78	Repeals as obsolete an internal reference to section 27-67-106 (2)(b). The section was repealed, effective July 1, 2016. (See HB16-1408, chapter 153, page 472.)
24-90-105 (1)(I)	79	See section 2-3-102.
24-92-111	80	See section 2-3-102.
25-3.5-307.5 (2)	81	<ul style="list-style-type: none"> <li>• See section 22-33-106 (1.5).</li> <li>• See Pub.L. 95-504 and Pub.L. 103-272.</li> </ul>
25-3.5-1005 (1)	82	Section 25-3.5-1003 was repealed, effective July 1, 2016. Because the reference to this section is integral to the requirements described in the subsection, it is being retained for historical purposes. Language is also being added to the subsection noting its repeal. (See SB14-215, chapter 352, pages 1610 and 1611.)
25-3.5-1006 (1)	83	See section 25-3.5-1005 (1).
25-3.5-1007	84	<ul style="list-style-type: none"> <li>• See section 25-3.5-1005 (1).</li> <li>• The one-time reporting requirements in subsection (2) were completed on March 1, 2015, and November 1, 2015; therefore, subsection (2) is being repealed as obsolete. (To view the reports, see the Colorado Legislative Council's statutory reports website.)</li> </ul>
25-4-412 (4)(a)(IV)	85	Corrects an internal reference to the section directing the executive director of the department of public health and environment, health officers, and local health directors to investigate and prevent sexually transmitted infections. The error occurred in the senate judiciary committee report amending the introduced version of SB16-146. (See the 2016 Senate Journal for April 27, page 885, and SB16-146, chapter 230, page 905.)
25-4-1607 IP(1.5)(b)	86	Repeals an internal reference to subsection (1)(b)(VI) due to the repeal of the provision, effective January 1, 2017. (See HB16-1401, chapter 367, page 1543 and SB16-189, chapter 210, page 798.)

C.R.S. Section	Section in bill	Reason
25-4-2206 (5)	87	Corrects an error originating in the introduced version of HB13-1088 by paralleling the repeal date of the health equity commission in the commission's organic statute with the repeal date of the commission listed in the sunset review provisions. (See section 2-3-1203 (14)(a)(I), C.R.S. 2016 and HB13-1088, chapter 25, page 62.)
25-8-308 (2)	88	Repeals the reference to the water quality control fund because the fund was repealed, effective July 1, 2016. (See HB16-1413, chapter 138, page 405.)
25-8-502 1P(1.1)(c)(IV)	89	<ul style="list-style-type: none"> <li>• Repeals an internal reference to subsection (1.1)(c)(I) due to the repeal of the section, effective July 1, 2016. (See HB15-1249, chapter 273, pages 1089 and 1095.)</li> <li>• Changes the year from 2016 to 2015 to correct an error in HB15-1249. (See HB15-1249, chapter 273, pages 1089, 1096, and 1097.)</li> </ul>
25-8-608.7 (2)(e)	90	The one-time monetary distribution required by this provision was to have been completed on September 1, 2015; therefore, this provision is being repealed as obsolete. (See HB13-1191, chapter 186, page 754.)
25-9-101	91	See section 8-12-112.
25.5-5-202 (1)(s)(II)	92	Subsection (1)(s)(II) is a repeal provision that is triggered if a specific resolution is adopted by the Legislative Audit Committee on or before March 31, 2011. The resolution was not adopted resulting in an inoperative provision; therefore, it is being repealed. (See section 25.5-5-313, C.R.S. 2006, the editor's note following section 25.5-5-202, C.R.S. 2016, and SB06-219, chapter 355, page 1876.)
25.5-10-226 (4)	93	See 12-43-218 (2)(d)(V)(B).
26-2-111.8 (3.5)	94	Inserts the effective date of subsection (3.5). (See the editor's note following section 26-2-111.8 (3.5), C.R.S. 2016.)
26-2-712 (4)(a)	95	Repeals an internal reference and text associated with section 26-2-723 due to the section's repeal, effective July 1, 2009. (See section 26-2-723 (5), C.R.S. 2008 and HB04-1030, chapter 240, page 802.)
26-2-714.5 (3) and (5)	96	See section 8-12-112.
26-2-1003 (5)	97	See section 8-12-112.

<b>C.R.S. Section</b>	<b>Section in bill</b>	<b>Reason</b>
26-6.5-110	98	The one-time performance audit requirement in this section was completed in December of 2008; therefore, as all of the requirements in this have been met, this section is being repealed as obsolete. (To view the audit, contact the State Auditor's Office.)
26-11.5-114 (4)	99	<ul style="list-style-type: none"> <li>• See section 8-84-303 (7)(a).</li> <li>• See SB16-199, chapter 270, page 1122.</li> </ul>
29-1-502	100	See section 2-3-102.
29-1-503 (1)	101	See section 2-3-102.
29-1-504	102	See section 2-3-102.
29-1-607 (1) and (2)	103	See section 2-3-102.
29-22.5-102 IP and (1)	104	House Bill 12-1283 changed the name of the division of fire safety and control to the division of fire prevention and control; therefore, this provision is being amended to conform with the name change. (See sections 24-33.5-1201 C.R.S. 2016 and HB12-1283, chapter 240, page 1104.)
32-14-109 (2)(a)	105	See section 2-3-102.
35-1-104 (1)(ee)	106	Due to the repeal of section 24-33-112, effective August 7, 2013, this provision is being repealed as obsolete. (See SB13-221, chapter 251, page 1335.)
38-13-116.5 (1)(b)	107	Repeals an internal reference to subsection (2.9) of this section due to the repeal of the subsection, effective July 1, 2014. (See HB13-1245, chapter 258, page 1364.)
39-22-522 IP(3)(f) and (3)(f)(I)	108	See section 35-1-104 (1)(ee).
39-22-1001 IP and (5)(b)(I)(A)	109	House Bill 16-1297 reduced the minimum dollar amount to \$50,000 that each fund in the voluntary contribution program must receive in contributions over a 9-month period in order to retain its place on the income tax form. The bill reduced the dollar amount in subsection (5)(a); however, the dollar amount in subsection (5)(b)(I)(A) was not reduced to reflect the lower monetary threshold as was intended by HB16-1297. (See HB16-1297, chapter 92, page 257.)

<b>C.R.S. Section</b>	<b>Section in bill</b>	<b>Reason</b>
40-2-123 (2)(k)	110	Because this paragraph (k) references a fund that does not exist, it presents a defect in current law; therefore, subsection (2)(k) is being repealed. (See the editor's note following section 40-2-123, C.R.S. 2016 and HB06-1281, chapter 300, page 1413.)
40-17-103 (2)(d)	111	Comports this provision with the people-first language directive adopted in HB10-1137. (See HB10-1137, chapter 93, page 319.)
42-4-1701 IP(4)(a)(I), (4)(a)(I)(N), and (4)(f)(III)	112	<ul style="list-style-type: none"> <li>• Due to a printing error originating in the Colorado Revised Statutes 2015 and carried forward into the Colorado Revised Statutes 2016, the penalty and surcharge language, as added by HB14-1363, for violating the open marijuana container laws described in section 42-4-1305.5 was not included in the table in section 42-4-1701 (4)(a)(I)(N); therefore, the missing information is being reinserted into the table. (See section 42-4-1305.5 (2)(c), C.R.S. 2016; SB13-283, chapter 332, page 1896; and HB14-1363, chapter 302, pages 1276 and 1284.)</li> <li>• See section 18-19-103.5 (4).</li> </ul>
42-5-113	113	See section 2-3-102.
43-1-123 (4)	114	Removes the double reporting requirement in this provision by correcting a typographical error. (See SB16-122, chapter 91, page 255.)
12-42.5-102 (42)(b)(XII)	115	Corrects an internal reference to the provision authorizing the sale or transfer of compounded drugs. (See HB12-1311, chapter 281, page 1532 and 1557.)
12-43.3-306 (I)	116	Corrects internal references as a result of the relocation of provisions. (See SB17-040, chapter 293, page 1184.)
House Bill 17-1115 6-23-102 (2)	117	Corrects an internal reference in a provision added by House Bill 17-1115.
Senate Bill 17-153 43-4-1001 IP(2)(a)(II)	118	Corrects an internal reference in a provision that was repealed and reenacted by Senate Bill 17-153.
39-22-538 (2)(e)	119	Clarifies existing law.
Senate Bill 17-117 37-92-311	120	Repeals a term that is not used in the section for which it is defined.
Senate Bill 17-132 Petition Clause	121	Corrects the effective date of SB17-132.